MISSISSIPPI LAW JOURNAL

PROCEEDINGS
MISSISSIPPI STATE BAR

FIFTY-SIXTH ANNUAL MEETING

October 1961

VOLUME XXXII **NUMBER 4**

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Mississippi Law Journal

JOURNAL of the MISSISSIPPI STATE BAR
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1961-62

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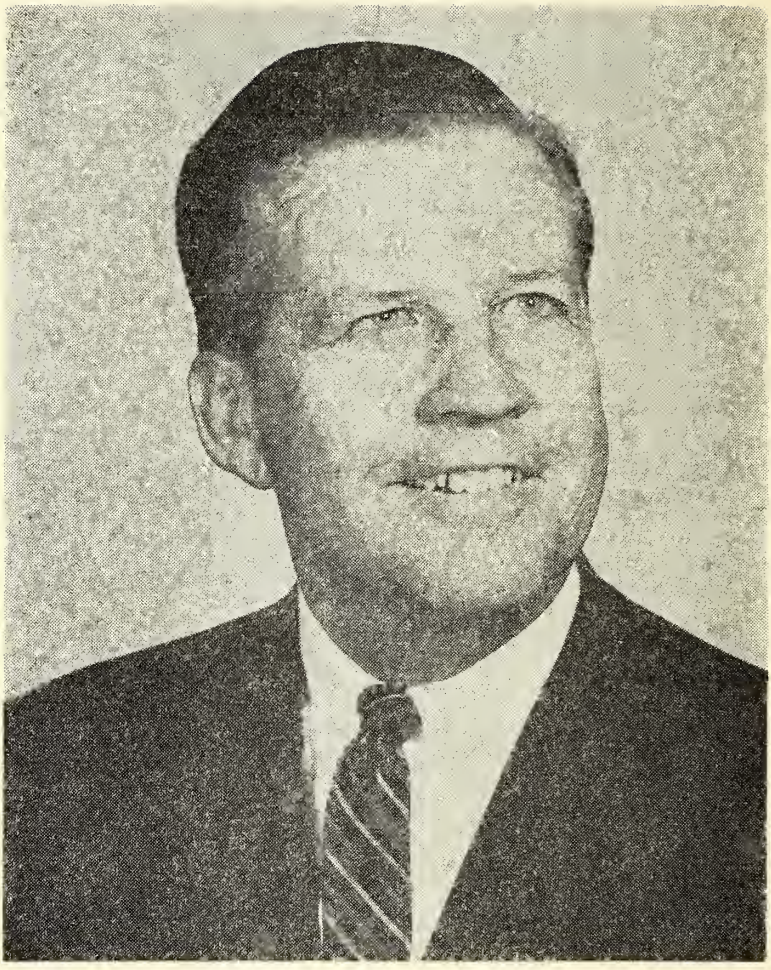

DAVID COTTRELL, JR.

Retiring President of Mississippi State Bar

PROCEEDINGS OF THE FIFTY-SIXTH ANNUAL MEETING

OF THE

Mississippi State Bar

Held at Biloxi, Mississippi, on June 29 — July 1, 1961

The First General Assembly was called to order in the Buena Vista Hotel in Biloxi, Mississippi, at 2 p.m., June 29, 1961, by Mr. David Cottrell, Jr., President of the Mississippi State Bar.

The invocation was delivered by the Reverend J. Melvin Jones of Gulfport.

An address of welcome was delivered by Mr. Lyle M. Page of Biloxi, and was responded to by Mr. Sherwood W. Wise of Jackson.

President Cottrell then introduced Mr. John C. Satterfield of Yazoo City, President-elect, American Bar Association, who delivered the following address.

WHAT CAN BAR ASSOCIATIONS DO FOR LAWYERS?

John C. Satterfield

Mr. President, ladies and gentlemen, I think that you will notice that the introduction is somewhat like an exotic eastern perfume; it is to be inhaled and not swallowed. I do appreciate those kind words though, David, and I have enjoyed working with our president and our incoming president and many of you for many years; in fact, for thirty-two years as of this June with many of you in the work of the Mississippi State Bar Association.

This afternoon I thought the first thing that I would call to your attention is a conclusion that I have reached that some people seem to have generally questioned, but I think most of us may feel the same way. It is my conclusion, after thirty-one years in the law practice and thirty-one years as a member of the American Bar Association, that there is no such thing as prejudice against the South or Mississippi. On the other hand, in business and professional circles there is a warm affection for things Southern and for things in Mississippi and people of Mississippi. We do know that there is a definite misunderstanding of some of our problems in many areas, and I must say I think chiefly because we have failed to give the people of other areas the true facts as to those problems. I have been a member of the House of Delegates of the American Bar Association for sixteen years. In those sixteen years I have met twice every year for about a week at a time with lawyers from every

one of the formerly forty-eight states and now fifty states, and been with them for a week or more twice a year. In the last thirty months I have spoken in forty-three states and visited with lawyers in their own states in forty-three of our states and I feel, as I said, that there is no such think as prejudice against the South or Mississippi or things Southern or Mississippians, and I think I can prove it to you.

The way to determine the feeling of the country toward the people in a particular area is when they choose the president of their national organization, the one to lead and guide their organization, the one to whom they wish to give recognition because of their belief in him and where he comes from and for which he stands. Now in Mississippi in the last six years, these business and professional organizations have chosen these Mississippians as their presidents. Our own Judge Harvey McGehee has just completed last August his term as the president of the National Conference of State Chief Justices. Boyd Campbell of Jackson was president of the United States Chamber of Commerce within the last six years. Allen Thompson was the president of the American Municipal Officers Association. Our own Tom Q. Ellis was the top Mason in the world five or six years ago. Judge Luther A. Smith of Hattiesburg is now the head of the organization of Knights Templar, living in Washington. Heber Ladner was the president of the Association of Secretaries of State. Si Corley was the president of the National Association of Departments of Agriculture and Commerce. Our own Bob Stevens has just finished a year and a half ago as president of the National Cotton Council. Yazoo City is in pretty good shape as of now. Dr. R. J. Morehead of Yazoo City is the president of the National Association of Physicians and Surgeons, and my wife's husband has the pleasure of being president of the American Bar Association. Bishop Marvin Franklin finished about twelve months ago his term as the president of the Council of Bishops to the Methodist Church, representing nine million Methodists throughout the world. Mrs. Homer Green of Tutwiler is president of the National Home Demonstration Council. Geralyn Ross of Meridian was chosen as president of Girls' Nation. Ed Perry of Bay St. Louis was the president of Boys' Nation. Ray Tinnin and Bryan Horne have both recently been president of the Men's Garden Clubs of America. Bill Foye was recently president of Independent Petroleum Association of America. Leslie Williamson of Jackson is now serving as president of the American Tire Association, and Neal Magruder of Indianola is the president, or finished his term recently, as president of the American Association of Public Accountants. John Pulmer has recently been president of the American Society of Civil Engineers. Mrs. Louise Montgomery Williams of Edwards in 1959 was designated as one of the ten great Americans. Chick Montgomery of Jackson is the president of the

National Association of Mutual Insurance Agents. Robert Newton of Wiggins was the president of the American Tung Oil Research Division. John Frank Sanderson of Laurel was president of the National Broiler Council; and I could name many more. I am confident that I have proved my case. It would have been impossible for that many Mississippians to be chosen as the presidents of that many business and professional associations in the short period of six years, if it were not for the fact, which is true in my opinion, that there is a warm affection for the South and things Southern throughout the United States, and, if there is any misunderstanding, it is up to us to see it is removed.

This afternoon I have a subject very difficult to talk about, bar association work. It can be quite boring; I hope it will not be. I hope it may be fairly interesting though, because as one of your charter members of the Junior Bar Section of the Mississippi State Bar and a former president of the Mississippi State Bar, I will be acting for you and as a Mississippian as president of the American Bar Association next year.

I do not know whether you are familiar with the fact that when the American Bar Association was organized more than eighty-two years ago, in Saratoga Springs, New York, of all the states in the Union, Mississippi was tied for fourth in membership. Now, you can leave New York at 9:00 p.m. and arrive in New Orleans at 11:00 p.m. It takes two hours plus a little while to get there from New York. In those days it took us a heck of a long time to get from Mississippi to Saratoga Springs, New York. But eighty-two years ago, Mississippi was tied for fourth. New York, Massachusetts, Pennsylvania, and then Mississippi was tied with Maryland for fourth in the membership of the American Bar Association when it was formed.

Now, as you know the American Bar Association has more than 100,000 members. With the House of Delegates and representatives from over seventy organizations within the legal profession, American Bar Association actually represents directly or indirectly the 236,000 lawyers that live in the United States. We have seventy-eight committees and in addition to this, there are 432 committees of our sections and our related organizations, so actually we have within the ABA and its affiliated organizations, 510 committees that are working all the time for the legal profession and for the country. We have an annual budget in the American Bar Association, the endowment and foundation, all of which are the American Bar Association, of more than two million dollars, and we have in the American Bar Association, directly or closely affiliated, more than 300 full time employees, which is quite an increase from what we had some ten years ago. The American Bar Association is a rather substantial operation.

Now, how can and how does the American Bar Association help

the legal profession and be of assistance to State and local bars? I think I will very quickly run over and name perhaps only some of our activities, and I then will take appropriate time to discuss about four or five of them in which I think you will be particularly interested. Among the activities of the American Bar Association are Continued Legal Education, about which I will talk a little bit more. We have five interprofessional conferences, with accountants, banks, life underwriters, and realtors among others. These conferences meet year to year and prepare statements of principles; and as a basis of cooperation with their professions we have committees on unauthorized practice with supporting committees in every state which does an outstanding job. We have pending now possible litigation in the area of unauthorized practice.

Our Ethics and Grievances Committees are quite active. In the Ethics Committee we have opinions rendered. We have had some 294 opinions officially rendered by our Ethics Committee.

In addition to that type of work, there is a great deal of work being done by the American Bar Association in relationship to legal professions of other nations. Dave Cottrell will be chairman of one of the committees of the American Bar Association next year, which is quite active within that field. As you probably know, Dave joined us at Costa Rica in the meeting of the Americas in the World Peace Through Law Program, and, at his own expense, stayed there with us with lawyers from every one of the twenty-four republics in the Americas for four days, working on a program for World Peace Through Law.

Other activities of the American Bar Association include a really complete operation in Washington. We have an office there with a staff of five or six people. We keep up with every piece of legislation that is introduced in Congress that has anything to do with the legal profession. We report it to the proper one of the sixty-two committees that are active in substantative fields. We have a committee which is charged with assisting those other committees in watching legislation that will affect the legal profession.

We have set up staff operations in economics of law practice. We have a full time man plus secretarial help, and with three assistants who will be going in that field and staff operations in cooperation with the American Bar Foundation, I believe we will do an outstanding job in economics of law practice in the next few years.

As you may know, we carry on an award of merit program where there are submitted to the American Bar Association from State and local associations full reports of what they are doing in the various fields, and awards of merit and honorable mention are given to associations through the years, and there is a tremendous interest by State and local bar associations.

We have a committee that is working with S.M.U. and Pittsburgh, among other centers, in the matter of electronic data retrieval and the use of these brains, which lawyers need in storing information which may be in the trial of cases and otherwise. For instance, in Pittsburgh, they have already set up and fed into the machine all information concerning statutes having to do with public health, so that simply by the use of the computer machine there can be obtained within just a few minutes any specific information desired as to statutes on public health in the United States. Now, this may sound fantastic, but it may not be too long from now that you will be able to send to one of these centers, and either for one dollar, five dollars, twenty-five dollars, or fifty dollars as the case may be, obtain a complete brief, with a copy of every decision ever decided in the United States on a particular point. So instead of having to bone through the library for days at a time to brief an important question, you may be able to get it briefed in less than five seconds through this electronic equipment which is being prepared. We have a committee on that that is beginning to be very active.

Then next year we will have a committee on the matter of specialization. We will get a full and complete study of the extent to which it is proper, desirable, and feasible to permit lawyers to let it be known on their letterheads, in the telephone directory, or otherwise by a proper method, not by advertising of course, of the field of law in which they are particularly competent. Now the public has a grab bag. They may have a tax problem and unless they already have a lawyer, they may pick a chap who is excellent in the trial of cases. They may have a personal injury action and pick a man that is an excellent tax lawyer but has never tried a case in his life. There are many problems, and we are going to dig into them.

We have had a special study made of the restrictions and limitations on attorneys' fees by Federal and State statutes or regulations, going back to the first such restriction, which was about 1871 having to do with the obtaining of certain compensation by veterans of the Civil War, and had a study made down to date as to the existence of the restrictions in the Federal area, the circumstances under which they were adopted, the apparent purposes and the extent, if any, to which the American Bar participated in the presentation of the problem. If I remember correctly, it was found that from 1871 to this date there was only one time that any association took any part in opposing a restriction of limits upon attorneys' fees by the Federal Congress, and of course that is not just something that affects our profession. As you know, it prevents citizens from being properly represented by counsel in claims arising under many Federal programs. We have had a complete study made on that, and we hope to implement it during the next year or two.

You are familiar with the outstanding program of Law Day USA, and a tremendous job was done under Dave and those working with Dave in Mississippi this year and the year before also. Last year there were 75,000 meetings on Law Day, and this year I think it exceeded 100,000 throughout the United States. A tremendous program has been put on in that area.

We have a very good citizenship program working directly and with the representatives of the State and local bar associations. We also have two committees in the field of Communism, one on Communist objectives, tactics, and strategy. We are hoping to put on a series of seminars and institutes where we will ask the State and local bar associations to designate members of the associations who are willing to really become informed in the area. I know, personally, that I have been wholly uninformed other than knowing Communism was a bad word and what the papers said about it. I had no idea of the ideology, the purposes, objectives, and tactics except what I had read in the paper. I have recently been making a study of it so I could perhaps help with this program, but we are hoping to have a program where we will set up panels of real experts in the field throughout the United States, who will be available for institutes or seminars put on throughout the states, to train lawyers, teachers, and others in Communism and how it should be taught to the people and the dangers thereof.

We also have a special committee, working with Allen Dulles and J. Edgar Hoover and many others, studying the teaching of a contrast between Communism and democracy in the secondary schools and colleges of the United States. That has recently been accomplished in Louisiana where it is a part of the high school curriculum as a required course now, and a great deal of work is being done throughout the United States. We will have some top educators on that committee and working through that committee.

You may be familiar with our work with the media of television, newspaper writers, and moving pictures, where we keep in touch with what is being done and said and put into these media concerning lawyers, and if it is improper we advise them of it. On the other hand, if it is proper and well done, we have set up a series of awards which are considered to be excellent from the viewpoint of media, and I think we have had a very excellent effect in connection therewith.

Of course, we have a committee on public relations, and we work with the State and local bar associations in the field of public relations. You may be familiar with our legal aid services. You are to some extent, because we have some activity on that in Mississippi. The Lawyer Referral Plan is another aid to the people who need representation. In the case of legal aid, they are not able to pay for it. In case of lawyer

referral, they are referred to the proper attorneys.

We have a rather full program in client security funds. There have been six states recently that have adopted a basis of a client security fund, where if any client loses anything through the default of a lawyer, this is paid by the security fund so that the public is protected from losses arising from dealing with lawyers who are guilty of frauds, or for some reason embezzle or lose their funds.

One of our biggest programs this coming year will be in the field of judicial administration. There have been for many years a lot of organizations doing a great deal of work in the field of bringing the most modern means, facilities, devices, and tools to the judges and lawyers to expedite properly the administration of justice in the courts so that the delays will be removed. In the Federal courts with the judges who are now being appointed, the judicial reservoir or the availability of judicial talent will be there. The judicial conferences have done an outstanding job. The one to which I talked Tuesday morning is one of the outstanding conferences, the Fourth Circuit. Judge John J. Parket set up that conference back in 1931, and all of the conferences have done an outstanding job. In Judge Murrah's area next month there will be a conference held for new Federal judges, which will be an outstanding accomplishment, I am sure. This coming year we will have a committee of which Mr. Justice Tom Clark has agreed to be chairman. We had a meeting in Chicago last week, and you would be interested to know that we have complete cooperation in the field of judicial administration from the American Judicature Society, the Institute of Judicial Administration, the Judicial Section of the ABA, the Conference of State Chief Justices, the National Conference of State Trial Judges, and six other organizations, each one of which is heartily behind the program. I am sure most of you knew this, but Tom Clark has been tremendously active and effective in bar association work for a number of years, and, you know, he is almost from Mississippi. We practically claim him because his mother and father lived at Brandon and moved to Texas just two years before he was born. We hope to have available panels of judges, lawyers, administrators, really experts in the field, that will be available to any State that cares to put on an institute on judicial administration. They will not attempt to come in and tell a State what they should do. If they are invited, we will send someone to meet with the representatives of the State, find what they are interested in, and have a seminar or institute composed of men within the State who know the local problems and these fellows who have had experience in other States.

As you know, we have quite a traffic court program, and that has been a tremendous asset. I have forgotten the exact figures, but I be-

lieve the figures show that 92% of the people of the United States who come in contact with courts are in the traffic courts, and the impression that the public receives of our judicial system is derived largely from our traffic courts.

Of course we have publications, and we have any number of other activities, but you can see that the American Bar Association is rather busy and does have a great deal for the 510 committees which we have working directly or with the sections to do.

In closing, I would like to call your attention to two or three of the programs of particular interest to the Mississippi State Bar. One is that within the last year there has been completed a project on which some of the best minds in the United States have worked for some four or five years: the completion of the Model Business Corporation Act and Model Business Corporation Code. I understand that Sherwood is planning to suggest this as one of your major emphases next year. A three volume work has been prepared. As I say, it has been the result of some of the finest corporate minds of the nation, and I am delighted to know that the Mississippi State Bar is interested in it and is considering the possibility of using it as a basis of the revision of our corporate laws. When I was secretary of the Judiciary Committee of the House of Representatives from 1928 to 1932, we did have a number of amendments to our corporate laws, and we have had a number since this; but I think this will be an excellent thing, and you have an excellent basis to use here in Mississippi.

In Continuing Legal Education, the American Bar Association has a committee with a very competent, full-time staff. I am going to tell you of two programs very briefly. In California, Felix Stumpf has a fine program, and it does not cost the State Bar a cent; it does not cost the State of California a cent. He has a budget of $400,000 a year, and last year he had a surplus of $80,000, and turned it back to the extension service of the University of California. The State Bar was afraid to take the risk in California, so they let the extension service of the University set it up solely, being responsible for the funds and to receive the receipts. Felix Stumpf now has ten full time lawyers on his staff. They are devoted solely to continuing legal education in California. It is fully self-supporting, as I say, with total receipts of $480,000 last year and a surplus of $80,000 which was turned back to the University. Of course, California is somewhat bigger than Mississippi. But in Alabama they have recently set up the basis of a part time administrator of a program on continuing legal education. They have held institutes throughout Alabama, and of the 2250 members of the Alabama State Bar, 1,000 members have attended their institutes. They have it for one day in different parts of the State. For instance, each institute was

put on six times in Alabama, in six different cities, and they have done an outstanding job. It is costing the State Bar over there very little.

I was in Virginia recently, and they have set up a program. I was talking to a chap from Missouri yesterday, and in Missouri they have a program which has a full time man. They have had an attendance of over 1,200 people within a six months period at their Continuing Legal Education program. It is a tremendously interesting thing and of tremendous value. Of course, they have their varying types of programs: one big institute held in different parts of the state; a week or two weeks' course for those who really want to get some additional continuing legal education, held at the University or at the State Capitol, bringing in speakers from elsewhere and using local talent. In each of these instances, there are prepared manuscripts which are usually from four to ten times as complete as the oral presentation, and they are made available to those who register and take part to take back to their offices. Within the last five years there have been set up continuing legal education programs in California, full time; Wisconsin, part time; Virginia, part time; Maryland, part time; New York, part time; Missouri, full time; Alabama, part time; Michigan, full time; Pennsylvania, part time; and Puerto Rico, part time. I was down at the Florida Bar two or three weeks ago, and they have now set up a full time continuing legal education program with a full time administrator. Oregon has set up a part time program with a part time administrator. New Jersey has just authorized a full time program in continuing legal education.

I will mention two more programs. One is in connection with unauthorized practice. I wonder to what extent we are alert to the danger to the public and our profession of the inroads upon our profession of those things which are being now done or suggested throughout the United States. If pending suggestions were carried out, and they are pending in various states, our law practice would continue as it is today with the exception of these fields which would be lost to us either wholly or largely. We continue with what we are doing now with these exceptions: probate of administration of estates, real estate title and land transactions, divorces, automobile and other negligence cases, preparation of tax returns and tax appeals, the drafting of wills and estate planning, and administrative commission appearances. I think that covers the only areas that we are about to lose if the suggestions which are being made throughout the various states are carried through. I do not have time to discuss all of this. I will discuss two only.

One is in the area of personal injuries or property damage arising from motor vehicle accidents. In California, Governor Brown appointed a committee, and they have a report and it is under consideration. In one of the New England states, the legislature has considered this amend-

ment I will tell you of in a minute. They have asked for a report from one of the great Eastern universities, and a man has been assigned to it, who advocates the substitution I will mention in a minute. A study has been made by another Eastern university of its effect and the report, which we think is slanted, is contrary to what we think is right. It has been suggested as being "pushed" in New York, and it has been heretofore "pushed" in Ohio; but, at the present time, I do not believe it is active. It has also been discussed in other States. The idea is to substitute a Workmen's Compensation type statutory remedy for all personal injuries or property damage arising from motor vehicle accidents, regardless of fault; to remove all common law rights of recovery and proceedings and set up an administrator or commission type of statutory recovery where, regardless of fault, a certain amount is received for the various types of injuries which may result from motor vehicle accidents. It would destroy the right of the public to receive full compensation for any injury. It would destroy the necessary difference arising more nearly in that area than in Workmen's Compensation, because in Workmen's Compensation you have a very limited field and nature and type of injury. You have, generally speaking, similar types of persons affected in their work; whereas, in motor vehicle accidents, of course, you know how varied it is. Nevertheless, that is being advocated, and it is a real problem. I expect, if the Board of Governors authorizes it, to appoint a committee, which will include a number of past presidents and distinguished lawyers, to dig into this field for the ABA. The committee of which I was chairman for the last three years, the Economics Committee, has done some work in it, and I have compiled a complete file. There is a real danger and if that were to be done, you can see what it would do to our practice.

You would be interested in the suggestion of reformers. This is not as wide an area, perhaps, but in some of the States a suggestion has been made that divorces should not be handled by lawyers except for the formal filing of the bill. If there happens to be a real contest, it should be handled by employees of the welfare department.

Finally, I do want to call your attention to the basis of cooperation in several of these areas. In the unauthorized practice area I have just mentioned, we have an outstanding committee. It has full material in almost every area involved, and your committee, Sherwood, would be in a position to receive substantial assistance, if it desires, from our unauthorized practice committee. We are delighted to have it in many of the areas that I have mentioned.

Finally, I do want to tell you of three things that we are doing in the Economics of Law Practice. Felix Stumpf of California, whom I mentioned with this tremendous program, has assigned a year ago

two men full time to the preparation of a Lawyer's Handbook in the field of the business phases of the practice of law, the handling of clients, personnel, rendition of fees, maintaining of proper records, rendition of bills, and all the various things that enter into the law practice, the use of modern equipment and machinery, etc. We have assisted him in obtaining fourteen authors who are particularly competent in their fields, to prepare chapters of this book. We believe that there will be prepared a handbook on the business phases of the practice of law which will be the best thing the legal profession has ever had in that field, perhaps one of the best things yet in any area within the past twenty years. That will be available on some basis to members of the American Bar Association and possibly to the members of the legal profession who are not members of the American Bar Association. We also have been working for two years on completing the suggested method, means, and way of surveys for the legal profession.

Back in 1955, when we worked so hard on the survey, we tried to get all of the material we could. An excellent job was done on the committee. We did it the best we could, getting information from all sorts of sources. For the last two years we have been working on this with an expert from the University of Florida, a chap who had worked with the American Medical Association for about six years, and others, and the American Bar Foundation. We have now set up a basis of cooperation on legal surveys where there are six States which are now making surveys of the legal profession in cooperation with our committee, and it will be available to us in Mississippi if we care to use it. We have drawn and redrawn, I would say at least fifty different times, a suggested form of questionnaire which will be available to the States to vary as they see fit. In addition to that, we have studied fully the matter of minimum fee schedules. Since we adopted ours in 1955, we have reviewed some 600 minimum fee schedules throughout the United States and have suggested the ways and means and other things which may help in that way.

May I say in closing that it is a wonderful privilege for me to be here with the Mississippi State Bar as your member. It is a tremendous opportunity, which I hope I can fulfill, to act, particularly at this time of grave crisis, as president of the American Bar Association. I want you to know, as I am sure you would, that my feeling for the Mississippi State Bar, for those principles of constitutional government, for those principles and ethics of our high calling of the legal profession, remain with me, and were acquired within the Mississippi State Bar as a member.

I am delighted to have the opportunity of going throughout the United States as your representative. I am going to try my best to do it right for you.

PRESIDENT'S REPORT

*David Cottrell, Jr.**

There are two statements that I would like to invite your attention to: (1) The law is an island of reason in a sea of chaos. (2) The law is an island. The first of these statements is positively true. The second of these statements is an absolute falsity. If the lawyers of Mississippi and if the lawyers of our country, assuming their traditional responsibilty for leadership, could accept enthusiastically this first precept and reject the second, there is no end to what we could do for the economic, the cultural, and the intellectual welfare of our country.

Let me be more concrete. We have heard John Satterfield appraise the value of Mississippians to the nation. Let me invite your attention also to the *Clarion-Ledger* of January 22, 1960. Mississippi's rate of economic growth in percentage has led the nation's in twenty-one separate categories in the past twenty years. Now, for instance, here are some of the items of increase: non-durable goods are up now over 1939, 953.8%. This is on the industrial side. Paper pulp manufacturing 4,200%; printing and publishing 525%; textiles, 610%; food manufacturing, 885.3%; manufacturing, 821.7%; apparel manufacturing, 1,105.9%; finance and realty, 825%; machinery manufacturing, 3,000%; and in 1959 Mississippi produced 48 million barrels of oil, and the oil and gas industry put some 170 million dollars plus into the State in 1960.

To add further impetus to our economic growth, we have seen our legislature appropriate substantial funds for the advertising of our state, additional funds for special research, and still further appropriations for education in all fields, and particularly in scientific and other fields of higher learning devoted to the production of wealth.

As I began my term this last year, it seemed appropriate to me that our association should inquire what are we as lawyers doing to help move Mississippi forward intellectually, culturally, economically. Also, what should we as Mississippi lawyers do to keep our profession abreast of the scientific, technological, and economic progress of the times? First of all, let it be stipulated that I believe, and confidently believe, that lawyers can help Mississippi grow. I believe that we can make a larger contribution and render a great service to our State than any of the other learned professions. It is a fact, of course, that the chief executive of our State is a lawyer, all the members of the judicial branch of our State government necessarily are lawyers and, by and large, most of the legislature is comprised of lawyers. With this caliber of influence comes proportionate responsibility. In the beginning

*President of the Mississippi State Bar, Gulfport, Mississippi.

of this Bar Association year it was, therefore, considered that the lawyers of Mississippi not only had an opportunity of serving the state well, but an obligation to pick up the torch of progress and help lead the way toward an enlightened and enduring advance in our economy. It is said that a golfer misses his shot when he takes his eye off the ball; and it was, therefore, your Commissioners' thought that the Bar would miss its goals if we as lawyers should take our eye off Mississippi's hopes, Mississippi's endeavors, Mississippi's aspirations.

Having in mind that our talents were in requisition, the State Bar has endeavored (1) to raise the ethical standards of our profession; (2) to organize its membership so as to equip ourselves for the working man, and; (3) to set up a public relations department to take our "light out from under the bushel" as it were. We have sought to increase the competency of the Mississippi attorney in the fields of law suited to our economy and to our commonwealth; to perform additional studies to aid in modernizing our laws; to alert the lawyers of the State of Mississippi to their responsibilities and their opportunities for patriotic service in the cold war.

Ethics was the first item to which I referred. We have considered that in modern-day complex society that the ethical standards of our profession are of cardinal importance. No great important undertaking can be accomplished without character and principle. While the matter of legal ethics has not been neglected in the past, there remains much to be done. There has been, for instance, no systematic analysis of practical day in and day out problems in ethics, no effort to consider these problems routinely as a Bar, and no process for rendering opinions as needed. It is true, of course, that when a young man comes out of law school, he is imbued with the highest ideals of our profession. I doubt, however, that all of our lawyers have the same clear understanding of the rules of professional conduct binding upon them which have heretofore been adopted by the Mississippi State Bar.

At this point let me ask how many of you have seen the rules of ethical conduct adopted by the Mississippi State Bar? Would you raise your hands? Fine. How many of you have a copy in your office? Fine. One of the fine works that Mr. Henley's committee is doing is digesting our presently adopted Code of Ethics; thinking about how much they should be improved; gathering information as to practical, every-day problems; and beginning to think in terms of a new publication of these rules that you have adopted, plus these practical aspects, and circulating them to the Bar. This circulation and this work have already been authorized by your Bar Commissioners with the approval of our next president, and I am sure that he will carry on this work.

The violation of basic rules of ethics is dry rot in our judicial

structure, and can lead to the collapse of the "Temple of Justice." A committee on ethics was organized to fill these important needs that I mentioned, with Mr. Henley as its chairman, and it is hoped that the committee's work will be continued and that the local bars will give their assistance by stressing the obligations of lawyers under our rules of ethics, and by forwarding information as to problems in professional conduct as they arise and which they desire to be studied. Appropriate opinions and advice could be rendered by the committee from time to time and approved where necessary by the Bar Commissioners. This procedure would make the interpretation of our rules of ethics uniform. Exemplary ethics at the bar implies that (1) each lawyer knows what is expected of him at all times and in every situation with which he is confronted, and (2) that each lawyer meticulously observes the rules which are ethical. The State Bar Commissioners have authorized the secretary to supply each lawyer with the printed rules of ethics now in effect, and additional rules of ethics or additional rules and changes should be adopted and circulated where necessary.

Industrial and technological developments in Mississippi have made it essential that we as lawyers have a professional concern for substantive and procedural laws which have lagged behind the needs of the public. The Mississippi State Bar has striven by individual research, by committee work, to adequately keep our laws abreast of the times. Prime responsibility for this work has been vested in Judge Ethridge's Study Committee. This group is charged by our by-laws with "conducting studies looking towards improvement of the courts and the laws in the administration of justice."

While most lawyers of our state are constantly improving their skills by their own scholarly endeavors and experiences, most have been gained by the exchange of ideas in trial techniques with others. This year important conferences have been conducted in the fields of corporate law, labor relations, and oil and gas. Again one of our committees has been studying the Uniform Commercial Code with a view to its possible adoption and application in our State. The study of our Federal and State Constitutions under Dugas Shands has received attention from some of the most able of our profession.

The use of the *Law Journal* as a medium of dissemination of a modern legal knowledge has been emphasized. Although we have published a monthly paper, I must say that the *Mississippi Law Journal* is now and always has been regarded as the principal publication of the Mississippi State Bar. It is supported this year by a very substantial portion of our total budget. The University staff, faculty, and student body, and those at the Bar contributing articles are to be congratulated upon their work. The State Bar is most grateful for a job well done.

If there have been any deficiencies, they are the shortcomings of us, the practitioners of the Bar, and more principally you, the practitioners of the Bar who are capable of sending in articles which would be of interest to the other lawyers of the state. The *Journal* will never achieve its full potential without broader participation by those in the practice. Many novel questions of law of practical effect on business and commerce, and particularly business and commerce of our State, are almost daily presented in and out of our courts. Many of these problems and their solutions could furnish useful material for articles in the *Law Journal.* Such information could assist our profession to render better service to our community. To further implement the efforts of the Mississippi State Bar we have held conferences on youth courts, juvenile welfare, and traffic courts.

In addition, there have been committees at work on insurance, negligence, compensation law, criminal law, and domestic relations. And, let me pause here, to congratulate those committees who so ably presented those interesting questions this morning in the panels.

The membership of each committee consists of attorneys who have demonstrated interest and talent in their respective fields. Each member of the Bar has been invited to take part in committee work, and any member of the Bar who has indicated the desire to serve has been afforded the chance to demonstrate his ability. So far we have dealt with the pick and shovel aspects of our practice as related to the business needs of our State.

I should now like to expostulate somewhat on some additional qualities which it is believed are required of us in order to be most effective in achieving our goals of service as lawyers. First, let me mention courtesy and tact. By the way, I heard a definition of tact the other day. Tact is demonstrated by a plumber who goes into a bathroom to fix a pipe and sees the lady of the house in the bath tub and says, "Beg your pardon, sir." Lawrence Stern said, "Hail the small, sweet courtesies of life, for smooth do they make the road of it." Courteous treatment is a recognition by one person that another person has the same dignity as a human being. The practice of courtesy develops the habit of treating others politely. It is, therefore, more than a lubricant which prevents irritation between individuals of different backgrounds. It becomes a solvent on the causes of friction, and when constantly applied produces a positive force in the creation of good will. Is this a little thing? If so, life is full of little things, full of small pains and petty grievances which little remedies can cure. It was a little thing that caused the first brothers to quarrel. Abel, you remember, killed the lamb and brought it as a sacrifice to Jehovah. Cain placed some grain on his own altar, and the lamb was a more acceptable sacri-

fice. Cain thought Abel was laughing at him. Disaster resulted; Abel was slain. A great many of the difficulties which we have in court today start over little things. A disparaging word, a rude action, insulting remarks, all of these lead to complications and even litigation. Lawyers in the modern world of business in Mississippi can do much to pour oil on troubled waters. A fair settlement is always to be preferred to costly litigation, and the re-establishment of friendship and good will save precious time and usually makes everybody money.

It is, of course, our function as lawyers in this modern complex society to be loyal to the administration of justice. The deterioration in the observance and enforcement of our laws is not attractive to industry or labor. While it has been well said that true civilization is measured by the extent of obedience to the unenforceable, it is of equal importance that we have good laws, laws which represent the will of the people, and that they are enforced. If we are to have a healthy business atmosphere, we should be comfortably ruled by modern laws. We as lawyers can help provide laws and juries which give railroads, insurance companies, public utilities, management, labor, farmers, little businesses, large businesses, small employers, all fair deals. In this we can help Mississippi.

We as lawyers can improve the quality of our profession by the manner in which we conduct our individual practices. I know what you will say, and each of us has a tendency to think that his activities really count for little. Each of us has a tendency at times to take our eye off the ball and say, "Well, I don't really count." The truth of the matter is that Mississippi is bidding for the investor's dollar, for employment for large groups of our citizens, for enterprise which will furnish substantial payrolls and put their broad shoulders to the public tax burden. Each lawyer counts, and how each lawyer conducts his business is a very important factor in Mississippi's reaching her economic objectives. I believe that the reason that Mississippi has so many bustling, prosperous businesses is because the great majority of the Bar have joined with other thoughtful citizens of our State in conducting our businesses in such a manner as to reflect appreciation of the commerce and industry which we enjoy. We seek industries and the larger the industries, the more valuable it becomes to the community, because the larger the industry, the larger number of employes and the larger the payroll. With little hesitation we are now willing to pay sizeable sums to bring these plants to Mississippi. Sometimes we even build the plants for them. Certainly, we, as lawyers of Mississippi, are helping to provide a favorable business climate in which these may prosper.

Lastly, the Mississippi State Bar during the past year has en-

deavored to alert the lawyers of our State to their responsibilities and opportunities for patriotic service in the cold war. The truth of the matter is that we are now engaged in a war more deadly and devastating than World War I and World War II. It has been our view that the lawyers of Mississippi should aid in stressing these facts to the people of our State and, insofar as possible, in mobilizing the talents of our State to defeat the enemy. It should not take a second Pearl Harbor to arouse our people to the bitter truth that we are now under assault by an implacable enemy. The total military, scientific, and social resources of the communistic world are mobilized and dedicated to a single objective, the ultimate destruction of the United States of America. It is amazing indeed that the American people, whose former reputation has been that of red-blooded Americans ever ready to defend their liberty and freedom, should go quietly about their businesses doing so little now to defend against this, the only enemy who has invaded our land in this century. Are we really so numb and insensible that Khrushchev in all of his arrogance and impoliteness can face this great nation, with the whole of the United States as his witness, take off his shoes and boast that he is going to bury us, and still not get our attention? I, for one, do not believe it. I believe the lawyers of this nation realize the full import of what is going on, and that the lawyers of America will join together and attack this enemy with all of our initiative and talent. When we do, at that moment we will begin to win the cold war. It is my belief that the lawyers of Mississippi have not lost their capacity to lead; that they are still willing to make any sacrifice to protect this country. I believe that democracy and truth are still more powerful than communism and lies.

The available weapons at hand for you as lawyers to help fight this cold war successfully are: (1) the positions of influence which you hold in your communities and in the state and in the nation; (2) your patriotism and appreciation of fundamental values of our way of life; (3) your experience; and (4) your training in leadership. Our first responsibility is to wake up the people, our second to inform them of the full facts of Communism and its ultimate goals, and to fully mobilize the knowledge and talents of our colleges, universities and secondary schools in supplying the highest quality of education in science and technology; (5) to enlist the help of our business and commercial leaders in forming good trade relations with similar leaders of other countries; and (6) to create a will and determination in the public so strong that educationally, scientifically, socially, culturally, and economically we will, starting in Mississippi, outstrip the Russians in these fields. This means a dedication to the purpose of defending the

country. It means a dedication to the purpose of winning a cold war; it means that you are the captains of this cold war; it means that you are going to have to be the leaders in winning this cold war. This means the encouragement of all programs which are binding us with hoops of steel to our friends in this hemisphere and elsewhere. It means cooperation, Bar association with Bar association, and lawyer with lawyer, beginning in this hemisphere. It means a determined and relentless effort among the lawyers to set up the legal machinery so that disputes between nations and individuals may be settled by legal process, and certainly those things can be done and still not infringe upon the sovereignty of our country. Our duties and responsibilities to the friendly nations of this hemisphere should be second to none in the world. Mississippi has a great opportunity because of our geographic location to help create better understanding between our country and Latin America. With the help of the lawyers of our State, Mississippi can set in motion a program for economic, educational, and cultural cooperation with Latin America which could materially assist the economics of their countries and ours and render appreciable aid to the nation.

Now, in summary, in this day of scientific change and rapid economic progress, I have sought to say nothing new, only to recount the things our Bar has done and can do as lawyers to discharge the broad responsibilities of our profession. The scholarly problems are immense. There are many pitfalls that beset our path to a better day, but in my mind the Mississippi lawyer is equal to the task. Let the lawyers now, as in 1776, provide the leadership that binds our nation together, that gives force and direction to our state's and our nation's people who now find themselves divided, bickering, and uncertain.

In closing, I would like to allude to a passage in the scriptures. You will recall that the Lord told Abraham that he was going to destroy the sinful cities of Sodom and Gomorrah and Abraham said, "Wilt Thou destroy the righteous with the wicked?" "If fifty righteous men can be found shall not the Judge of the earth do right and spare the cities?" And the Lord said "Yes." And then Abraham began scaling down, and the Lord said "yes" to each: forty men, thirty men, twenty men, ten men, but even ten men could not be found and the pitiful pleadings of Abraham came to naught. Why? Was it because among the thousands there were not ten righteous men? Not at all. There must have been hundreds but none were vocal. They did not assert themselves as righteous men, so they could not save the cities. In Mississippi we have more than 2,000 lawyers. What a wonderful state we would have if we had 2,000 righteous men at the Bar, all vocal, all helping, none hurting Mississippi.

Judge William N. Ethridge, Jr. of Jackson presented the report of the Study Committee. He withdrew Item XVIII and Item XXI from the report. The report was adopted.

Mr. Hugh N. Clayton of New Albany read a proposed amendment to section five of the bylaws of the Mississippi State Bar. Mr. Clayton made a motion that the amendment be adopted. He explained that the effect of the amendment would be to place the authority to select the site of the annual meeting in the Bar Commissioners. After discussion, a motion by Mr. E. K. Collins of Laurel to table the amendment was passed. (Further action on this matter took place in the second general assembly.)

Mr. Dixon Pyles of Jackson gave the report of the Committee on Attorney Referees and Court Reporters. The Committee's recommendation that the legislature be requested to provide for five referees instead of three and to provide training of additional court reporters was adopted.

Mr. Jay Gore, Jr. of Grenada made a recommendation from the Conference of Local Bar Associations that an economic survey of the legal profession in Mississippi be conducted in 1961-62, that the findings be compared with the survey of 1957, and that the findings and evaluation be published. The recommendation was adopted.

Judge Goode Montgomery, Jr. of Laurel made remarks on the youth courts in Mississippi.

SECOND GENERAL ASSEMBLY

Saturday, July 1, 9:00 a. m.

President Cottrell introduced Mrs. Hazel Crimes, State Director of the National Association of Legal Secretaries, who made remarks concerning the purpose of the NALS.

Mr. J. Meredith Wood of Brookhaven presented the report of the Taxation Committee.[1] A statement of principles regarding lawyers and certified public accountants in matters of federal income taxation was presented by Mr. Wood and was adopted by the Bar.

Mr. Jerome S. Hafter of Greenville introduced Mr. Wilfred R. Lorry of Philadelphia, Pennsylvania, and Mr. James Dempsey of White Plains, New York, who spoke on the "Preparation, Trial, and Settlement of Tort Actions."

[1]All committee reports are in Appendix A.

Address of Wilfred R. Lorry

I got here late last night. I was at the South Dakota Annual Bar meeting and flew in late last night. Whitney North Seymour, President of the ABA was up there and he wanted me to be sure to convey his regards to his fellow members of the Bar. He is very proud of the fact that you folks made him an honorary member of the Mississippi Bar. I think this means you are a member without dues. His wife Lola said to convey her regards too, because she is also an honorary member, the first time she has been a member of the Bar, this kind of bar. And talking about bars, I got in here too late last night to enjoy your banquet, but I did see some of the after effects, and I am able to report to Mr. Seymour of the American Bar Association that although I know nothing about the financial condition of the Mississippi Bar or about your solvency, I know you are liquid.

Jim Dempsey and I are going to victimize you this morning for a little while in talking about the matter of personal injury litigation, a subject that is most important to all of us in the profession, because this constitutes the major portion of the litigation in our courts, constitutes a lot of advertising programs in the insurance companies in trying to influence potential juries in bringing in low verdicts, and helps to maintain us in the custom to which we have come to enjoy. It also affects the public image of the lawyer very largely, because our mechanized civilization has resulted in millions of personal injury claims every year. This seems to be an inherent part of the kind of society in which we live. I think the public generally is coming to find that the compensation system which we have had throughout the country gives most people the right to starve with gentility. It is the legal system of throwing a crumb to the public, but it does not serve to meet the problem that arises when a man's income and earning power has been impaired and he and his family suffer the effects of this society in which we live. It then becomes the responsibility of the practicing lawyer to meet this problem of society. This is a real problem because in our present state of advanced social consciousness, we all know we are not going to permit a man to starve. If a man is hurt, he cannot earn for his family and himself. We will not see the family thrown out of their homes. We will not see them in the gutter. We will take care of them. The problem is who is going to do this business of taking care of them? Who is going to pay for this? Are you going to throw these people on relief, make them victims of charity, humiliate them this way? Are you going to burden your community fund, Red Cross, various welfare organizations with this sort of responsibility, or are you going to have it borne by the tortfeasor or more directly by the fund which is created

for this purpose? The answer is obvious. It should be paid from this fund.

And while we are talking about this fund—the insurance company fund — let me point out to you that this is really a trust fund. These monies which you and I pay as premiums to create the large fund from which these victims will receive their benefits, is in reality a trust fund, a fund which is ear-marked for a specific purpose — that the beneficiaries, the victims of this society in which we live, shall be taken care of under certain rules which we create so that they shall not become a burden to the community nor to themselves. This makes insurance companies trustees, fiduciaries to this fund, and as trustees they have certain responsibilities and obligations. When I used to mention this fact, it used to be regarded as almost a subversive comment, enough to put you on the attorney general's subversive list and make you subject to certain characterization, such as "communistic," things like that. But the insurance companies have come to realize the truth in this situation. As a matter of fact there have been articles — there was one published not too many years ago in the *Insurance Law Journal,* the bible of the insurance companies then. This issue was probably discarded, for it is not the bible any more, but it is highly regarded and widely read. And in this issue several years ago there was an article by a gentleman named Griffin, supervisor of liability claims for Aetna on the west coast — at least he was before he wrote this article in which he said in his introductory remarks that the insurance companies operate on the law of great numbers and base their operations on the averages resulting therefrom. They collect from many to pay the unfortunate few. This makes the insurance companies trustees of the funds of their policy holders. Now I shudder to think of the reaction of the probate court should the trustee of the fund come before the court with the accounting that you have to make in those situations, and say, "Judge, we started out here, the corpus of this estate was a million bucks, but unfortunately, I had a lot of overhead last year. There was a matter of a nice new office building which I needed to perform my function, and there were a couple of Cadillacs and yachts and some very large salaries involved. I had to get very competent men, and I am sorry, I only have about 400,000 bucks left in this fund to distribute to the beneficiaries because the overhead was very large." I think you can all guess what the probate judge would say in that situation and how quickly that accounting would be rejected. And it is one of the reasons why I cannot cry too bitterly about the moaning and pleadings of the insurance companies if they have to pay too large a portion of the money they receive for the purpose for which they receive it. This kind of grief on their part does not always deserve the sympathy which they try to get. Inci-

dentally, part of the overhead cost is consumed in vast advertising programs directed to keep verdicts down. I point out to you that every settlement and every verdict in a personal injury case has a direct bearing and relationship to our standard of living and to our standard of values, and that it serves no purpose at this late date in our society to downgrade our standards of living, to reduce our standard of values, to take a long step backward.

Now if some of the things that I say seem to be bad grace and not the kind of statement that a guest should make to a very gracious host, I hope you will bear with me. I have a point to make. I feel that I was invited down here to discuss frankly and forthrightly with you some of our problems, not to tell you how marvelous you are, how gracious you are — you are that, indeed, but there are certain things that have to be said, and since I am the fall guy and I have to say them, some of you will probably feel a little bitter. With regard to the chairman who invited me down, it is not his fault I mislead him, told him I was going to say very nice things to you, but I decided it was better to tell you the truth about this aspect of our personal activities, so Jerome, do not worry about what they say; let the criticism come to me.

It is surprising to most people not in the profession, and to some in the profession, that lawyers having the same situation to consider; counsel on both sides of the table; counsel of equal ability and experience and dedication, sometimes men who have gone to the same law school and been in the same class; should have a factual situation to consider; should have the same law to apply to that situation; and should arrive at such vastly divergent conclusions; that two attorneys of equal competency and experience should receive a factual situation and one should come to the conclusion his client was damaged to the extent of $50,000 and the other one should feel that the damage was only $2,500. It is hard for the public to understand. It is hard for anybody of common sense and reason to understand this thing, although there are some explanations that are not good reasons, but they are reasons.

First of all, you must consider the fact that a plaintiff's counsel represents the human being, a person who has been damaged. In his client-attorney relationship, he comes to know this individual very well. He comes to know his feelings, his degree of sensitivity, his hopes and his potentials, and he realizes the frustration which comes from the damage that has been done to this person. Defense counsel, on the other hand, has a file with a lot of papers in it, generally never sees the client until the time of the trial. Claims people, adjusters have talked to his client if found necessary to do so. There is not much blood of life running through a file with papers in it; there is not much emotion in the cold file before defense counsel. It is hard for him to get stirred up

about this situation. He knows nothing about the personality of the injured person; he has never seen him. And so that constitutes one reason for the divergency in conclusion. You also have the fact that we all suffer from a great inadequacy in our training, the training that we receive in preparation for our profession. Our law schools teach us all about property values. Every young lawyer who gets out of law school can evaluate the situation where the roof falls in, building burns up, or water damage. He knows about replacement values, about repairs, about damage to inventory. He can calculate this very well and present an excellent case, but who teaches us human values? What school tells you how to determine the damage to a human being who has been injured? There is no course of this nature. We are supposed to learn this by osmosis of the problems encountered in every day life. Sometimes we get a little from the humanities courses received in college, but largely it depends on the sensitivity of the individual. I suggest to you, gentlemen, that the lawyer who does not have a large degree of human sensitivity, of understanding of human values, does his client a disservice if he represents him in a personal injury case. You have down here in Mississippi many competent plaintiff's men, and if you happen to get a plaintiff case and you have developed an immunity or callousness to human suffering, do not shove your client in that direction; refer him to one of your other men, or you will be derelict in your duty to that individual. If you are worried about the insurance companies, do not represent your client, but they won't go broke. I hope they never do. I hope they will be able to pay every verdict we get in the courts, and I think they are doing very well. As a matter of fact, I have some stock in some of them.

There is a third reason — there are many reasons — but I thought these three might just develop the point, and that is that traditionally in our profession the emphasis on this type of situation on your defense side has been placed on total defense, not how much is this case worth, but how can we beat it? When this is your sign post, when this is your guiding light, to develop a means of beating the case, you rarely find time to determine how much the case is worth. That is why so often defense counsels are shocked by the fact the jury determines the value of the case, because they have never given much thought to this. They have spent all their time trying to beat the case. Let me say to you now, there are not and never have been any excessive verdicts. The court will not let an excessive verdict stand. You know that. All this stuff you read in magazine articles, papers, is propaganda fed to the public and is completely improper and wrong. No excessive verdict will ever be permitted to stand by any court in this land. As a matter of fact, many adequate verdicts are not permitted to stand by some judges af-

fected by this philosophy.

There are in the evaluation of personal injury cases only two problems which counsel have. Those are the problems related to the value of pain and suffering and the problem of impairment of future earning power, not the loss of future earnings, because, you know, a man can be hurt and go back to work and be earning more than he did before. Perhaps during the year he was disabled there was an increase in the wage rate throughout the industry and he comes back making more money. Sometimes I wonder why the insurance companies do not file counter claims. He has a better job than before the accident; he should be paying us for this accident; he is earning more money. But we are talking about impairment of future earning power.

Now there is no great problem, as I say, in most of the other aspects of the case, because both counsel can find out through proper use of the tools which we have, discovery procedures, various things in the civil rules of procedure which enable us to determine what the damages this man has sustained may be, loss of wages, medical expense, whatever it may be; this both sides can find out very readily. But what about the pain and suffering which the client has suffered? This is a difficult problem for all of us. It is an impossible problem for some of us. And this gets us down directly to the matter of the human sensitivity that you have, the understanding and the feeling for the loss that an individual has suffered in this regard.

Now I have been told by a lot of people down here, as a matter of fact, I was down here at a meeting of the Louisiana Bar when they met here some six or seven years ago, and there seems to be a situation down here with which you folks are afflicted of low verdicts and low settlements. Oh, you get some good ones once in a while, but by and large the standards in verdicts and settlements are low. This, I think, probably relates to either the competency of counsel, or the dedication of counsel, or the understanding of counsel. There are also other problems: The understanding and the influences that have been brought to bear upon your lay public who sit on juries, but this is largely an educational process that we are engaged in and jurors can be educated just as we have to educate each other and our courts, and if you have a situation in which verdicts are low and settlements are low, something is wrong. The public in this part of the United States is not receiving the kind of service from the Bar which they should get. I think it is obvious that a man working in Biloxi, Mississippi, or Meridian, or Jackson, or wherever it may be, who is making $5,000 a year — and that is not a magnificent salary today but a fair living — if this man loses an arm there is no reason why he should not receive about the same amount as the man in Philadelphia, New York, Chicago, San Francisco,

or any other part of the country. It costs you just as much to buy a loaf of bread, a bottle of milk, a suit of clothes as it does me. Your automobiles cost the same. Your living standards are no lower than ours, so why should there be this double standard of values? Why should a Mississippi citizen be entitled to less money when he has been damaged than a Pennsylvania citizen? Obviously he should not, and if he is in that situation, then the Bar has not met its responsibility to this community, and the public image of the lawyer and of our profession is to that extent damaged.

Our entire system of law and order and justice is impaired to the extent that that situation exists, and this is a problem that we always have, the problem of maintaining the public image of justice under our system of law, so that our people know that we do have the best system in the world. You do not create this image and maintain this respect on the part of the public by just talking to them, because sometimes the things that happen speak much louder than the words they hear. There should be no reason at all for any geographical disparity in the value of cases. There is no reason at all for counsel to consider what happened in another case as bearing on the value of his case. We often hear from defense counsel or claims people say, when we go in with a leg-off case and we want $125,000, "Well, this is ridiculous. I just settled a case with Jim Jones, same kind of injury, same kind of situation, and I only paid him $17,500." Well, unless you know what kind of claimant the other case involved, unless you know all the circumstances, unless you know the competency and adequacy of plaintiff's counsel, unless you know the personalities of the people, you have no means of comparison in those two situations.

We had a situation in the eastern district of Pennsylvania where the carriers sometimes would say, "Why don't you bring a batch of cases up to New York, we will look over them briefly, put a lump sum on the whole batch and then divide it?" They are not lawyers and they are not concerned with lawyers' ethics, but this is a ridiculous way to handle a client's affairs, if it is handled that way. Each case is entitled to the consideration of the problems involved in that case. There is no validity to the situation which the insurance companies have impressed upon us for many years in the defense interests of evaluating cases, of finding out what the special damages are and then multiplying it by the magic figure which they found in some crystal ball, or sometimes three or maybe two. Defense people will say, "What are your specials, counsel?" You say, "$750." Specials being out of pocket medical, loss of wages, things of that sort. They can tell you the value of the case right quick — $1500. I suggest to you that there is some difference in a case in which a concert violinist loses the tip of his index finger and has

a special damages situation of $750 and the situation which a fellow working on the highway loses the tip of his little finger and has a special damage situation of $750. You could not compare those two cases and come out with the same result, yet the defense interests do this regularly and without any distress on their part at all.

You know there are experts in this field of evaluation of a human being, and it is always good to go to experts. We as counsel know this, if you can get the advice of an expert you are in much better shape. A few years ago one of our large insurance companies engaged in an advertising program. Some of you ladies and gentlemen may have heard of the company, Travelers Insurance Company. They sometimes operate on the basis that their left hand shall not know what the right doeth, or something like that, but the life department likes to sell life insurance. This is important to them. The only way you can sell life insurance is to make the potential purchasers realize how valuable life is. The casualty department, on the other hand, is in the business of giving money out — as little as they can, but they do have to give some of it away — so their business is to impress us with the knowledge of the fact that life is not too important. These two philosophies are somewhat in conflict. So about 2 or 3 years ago Travelers engaged in a campaign. Apparently the life department did not clear it with the casualty department. Somebody must have been transferred or fired, and they engaged in a campaign directly toward selling life insurance. So in February 1957, there came out in *Life,* and the following week in *Time,* a very attractive and interesting ad. It was captioned — full page ad — "$325,000 man at play," and it had a sub-caption, "He is probably no richer than you," and this ad went on in its context. It shows a young man, about thirty, with his two charming children and lovely wife; he is flying a kite for one of the children and they are out having a ball. It goes on to say that this man is making a very average income, $118 a week. I figured that out. That comes out about $6,100 a year. It goes on to say in the text of the article that this man might fall subject to some of the vicissitudes of life today. He might be killed in an automobile accident, and if he is, then what has his family lost? Well, it says his family has lost $325,000 with this thirty year old man being killed. This is without pain and suffering, without medical expense, just the loss to the family of this wage earner.

Well, I happened to see this ad just before I was going to speak to the Nebraska Bar in Omaha that year, and I thought it made an interesting point of comment. There was somebody representing Travelers in the audience and he was very much distressed. He asked me for a copy of it. I gave him the copy and he had it stopped, and I learned later they had a contract — they did have — to run one more ad. And

they ran one more ad. It came out six months later. I have a copy of it. It shows the same man, same youngsters on a merry-go-round in a playground, and they are having a good time, too. Remember, this is six months later and this ad was captioned, "$280,000 man at play. He is probably no richer than you." He lost $45,000 in six months. What is more significant, this fellow is now making $332.92 twice a month. That is about $665 a month. I figured this out. He is making $8,000 a year; he is making $2,000 more than he was six months before; he is six months older; he has been killed, and his family just lost $45,000. It does lead you to believe you can do a lot of things with figures, so you should not be so impressed with figures; but it also leads you to the inevitable conclusion that some number of insurance interests regard human life as not a very valuable commodity, and it is not too hard to figure out its value when they have to do it. I give you this as a thoughtful suggestion. If you get a death action and you are sitting in chambers discussing the possibility of settlement — I do not believe you do that in your state courts, but you do in your federal courts. We do it in both our state and federal; we have pre-trials and the judges try desperately to aid counsel in matters which should be disposed of by settlement — but if you are sitting in chambers talking to your opposite members, and you have a death action, a man making $6,000 a year, use the first ad, do not use the second one. Your client making about $6,000 a year, he is thirty years old, he is killed, leaves his wife and two children, you can probably ask for $250,00 for that case, and when opposing counsel recovers from his distress and says, "you must be nuts; you must have made a bad mistake in your calculations," you can probably say to him, "Well, I think I did. I was thinking of an ad which Travelers ran, and Travelers happens to be the carrier in this case you and I are talking about. I should not have said $250,000, I should have said $350,000." I also suggest to you that when people who know about values are hurt, they insist on being fairly compensated. I have a little item here about an executive of Zurich, assistant United States manager of Zurich Insurance Company, who was one of the people killed in an air crash over the Grand Canyon two years ago when two planes collided. His widow started suit. She sued for $1,600,000 — $800,000 each from United Air Lines and T.W.A. I am sure that she got help from counsel for Zurich since her husband was an executive there, and they gave a fair evaluation to the life of her late husband, so do not be at all distressed when people tell you that you are up in the stratosphere, that you must be out of your mind when you ask for a fair value for your client's case.

The determination of the value of pain and suffering is difficult. That I will concede. It leads to the thought that our courts largely in this particular situation are put in the distressing situation that they

must speak out of both sides of their mouths for this reason. I do not say this critically; I say it realistically. You know that as a general proposition in the law we cannot get damages which are speculative. Damages must be provable. We must be able to demonstrate the elements of damages that we ask for. Largely throughout the country in most jurisdictions you are not allowed to indicate to juries what a fair value for the pain and suffering that your client experienced may be, but the law does say, and it says this in all jurisdictions, that pain and suffering is a substantial element of damages and that a client is entitled to an award for this damage. So you have the situation where the law says we cannot get damages which are speculative, but we can get damages for pain and suffering, and the judge says to the jury in his final instructions, "Ladies and gentlemen of the jury," — this is about the way it goes throughout the country — "this plaintiff is entitled to damages, to an award at your hands. In this respect, if you find there was pain and suffering, I have given you instructions with regard to the other elements of damages, but in this respect I cannot give you any help. There is no guide post, no landmark that I can set forth. You will just have to use your good common sense and your daily experiences in determining what will be a fair award for pain and suffering in this case." Then the jury who has been impressed by the presentation of the facts and the law, brings in an award which includes $25,000 for pain and suffering. The judge is shocked, and when defense counsel asked for a new trial or for some relief in this situation, frequently, much too frequently, the judge finds that this shocks his legal conscience and he either files an order of remittur, cuts down the verdict, or grants a new trial. I ask you, if the judge could not give these twelve competent jurors any guide post or landmark, where does he get the guide post or landmark for him to determine what is fair and what is not fair. How can he set himself up as having some pipeline to somebody some place that gives him the proper level of value in this particular aspect of this kind of situation. Obviously he cannot. He does not have any more ability to determine what is fair and proper in this regard than does the jury because he has told them that, and if he has told them the truth, if he said to them what the law is, and he has and he does, then he cannot do it himself. But you see this everyday in the law that the judge, without the guide post, gets from some place, this crystal ball that tells him what is fair and what is unfair and cuts this thing down. This is wrong; this is improper; and this, too, affects the public image of the law and the public image of the lawyer.

With respect to pain and suffering, just in a word, you do have to have the facts which demonstrate that your client has suffered. These facts are easy evidence to get — hospital records; nurses' notes will

show the nights and days your client has suffered; had to receive opiates; that the nurses have had to call the treating doctor; asked could she give another injection, more morphine. The doctor will know and be able to testify that your client was in continuous and intense pain; his wife will be able to testify of the nights he had to walk the floor and the jars of aspirin he had to take; his inability to do the things he did before; his desperate headaches; and your client will be able to testify in this regard. There are many, many other means of demonstrating to the jury that your client has suffered pain and the nature and degree of the pain. How to present it to the jury depends upon your local rules, because almost every jurisdiction in the country is in conflict as to how far counsel can go in presenting this aspect of damages to the jury and in helping them to determine the value of it. I do point out to you that various courts throughout the country have limited counsel, and say that they cannot put a dollar mark on this particular area of damages when they talk to the jury. I live in a jurisdiction that has that limitation. I find it very helpful because I think that we can usually get the jury to realize that this is a very substantial element of damages; that it has a very high value; and I think frequently they come back with a much higher award for pain and suffering than they would if counsel were permitted to put a dollar sign on it and to give them some help in arriving at a proper value of this figure. But the defense interests would rather you would not be able to do it.

With regard to the impairment in future earning power, this, too, is an easy matter to calculate. You have a man who has been making $5,000 a year, and after his accident, his hospitalization, his convalescence at home, he comes back to work, been working for the company ten years, lots of seniority, was highly regarded, very competent, and the boss says, "Jim, we will take you back but you cannot do the job you did before because of that twisted arm of yours; we can't use you in that kind of work. We are going to use you, we won't throw you out to starve, but we can't pay you $100 a week. We can only pay you $50 a week because the job we are giving you is much less important." Well, there you have demonstrated very dramatically a fifty percent impairment of earning power. It simply becomes a matter of arithmetic. A man thirty years of age has a minimum of thirty-five years working expectancy. The defendants have come to believe with social security we all retire at sixty-five. I see some gentlemen in the audience who probably should have retired some five or six years ago if they believe this philosophy that they stop working at sixty-five. We know it is not so, but assuming for the purpose of argument that sixty-five is the end of the road from the working point of view, you have a man thirty years of age, he has thirty-five years working expectancy and

let us say a $2,000 yearly loss. Thirty-five times $2,000 is $70,000, and by using the discount tables available to all of us, you reduce it to the present value of 4½ or 4%, bringing that $70,000 down to about $40,000 or $42,500. So you simply add that impairment to future earning power, to your past special damages; to that you add the fair value of pain and suffering in the past, present and future, and you come out with your calculation of damages to your client. Now this is the absolute figure, this is the figure of damage your client has suffered, but we know from our experience and training that this will be affected by a number of intangibles in the case, in personalities of counsel, personality of the litigant. You know if you have a client who looks Jack Armstrong, clean-cut, American boy, this kid is going to make a good impression. The jury will give him more money than a derelict from Skid Row. You have somebody like Jayne Mansfield or Marilyn Monroe as your client and you have a jury of men; you can do pretty well with that kind of case, all things being equal. Try not to talk to the jury about the case and have them go home to their wives and come back the next day, because their judgment will be affected in that regard. But you also have the matter of liability questions and this, too, can affect your damage picture. In considering all of these factors we come together with a realistic figure, a figure which largely is the amount which you could get in front of a jury and hold, and that is the figure that you should get for your client.

Now I have heard that it is hard down here to get juries to bring in big verdicts, that the people are conditioned otherwise. You know it is a funny thing we have in our district court in Pennsylvania, United States District Court. Our Eastern District covers eleven counties and in these counties we have some of the finest rural areas in Pennsylvania; for instance, Lancaster County in Pennsylvania is one of the richest farming areas in the country, has a lot of Mennonites and a lot of people with conservative thinking in Lancaster County. The lawyers tell us they cannot get a decent verdict from their juries. Then we get those juries in federal court, same kind of cases, and we will get $150,000 when the boys from Lancaster County tell us they can only get $10,000 for it. Of course we do not mind it, because it means all the boys in Lancaster County refer their cases to us in Philadelphia. They wind up getting a better fee than if they handled it themselves, their clients get justice, and we do pretty well too.

But with regard to your jurors down here in Mississippi, as I suggested to you, trial process is an educational procedure. I find it hard to believe that given competent counsel, counsel who prepared their case well, counsel who is understanding and who presents this situation to the jury properly, I find it hard to believe that you cannot educate your

jurors into doing right by their fellow citizens. I find that in my jurisdiction I have to educate the jury in each particular trial procedure. I cannot say to the jury in a big case, "Ladies and gentlemen, this is a case for damages of $150,000" and get it, because this is a shock to them. Many of them have never heard of this kind of money unless they read some of the speeches of the government or heard some Congressman talking. This money is beyond their largest calculations and considerations, so you have to educate the jury, you have to point out to them before, talk about damages something like this: "Ladies and gentlemen, we are going to talk to you now about the damages that my client has suffered so that you can consider this picture in its true light and award him what justice and your oath of office require you to do." I tell them that most of us are never placed in the situation where we have to evaluate human life, or at least the economic value of human life. We all know that there is no value that anybody can put on human life, only the Creator can make it, and nobody can put a value on it. But we do have to sometimes put a value on the economic aspects of our lives. I point out to them that for the man who makes $5,000 a year and that, as I say, is just a living wage, in the course of a lifetime will earn a quarter of a million dollars. If a man makes $10,000, in the course of his lifetime it is essentially a half million or more. Well, you can see the jury start nudging each other. For the first time they are beginning to realize what a tremendous potentiality he has. This is something they never considered before, when they get down to thinking about those figures, viewing human life this way, it is not hard for them to contemplate your client has suffered real and serious damage. What do you do when you have this picture and want to settle your case? This is a real problem. First of all, you have to know with whom you are dealing. I believe one of the most important things in negotiating settlement for a personal injury case is that you must know the man on the other side, his personality, you must know whether you can deal with him on the basis of faith or deal with him at arm's length. We evaluate our clients just as they evaluate us. I know some insurance companies have in their files a memorandum evaluating plaintiff's counsel.

We do the same thing with regard to claims people and defense counsel. I will get less where the insurance company has a very competent, able defense attorney than I will if their counsel is not quite so able. I know because I will push for more and I will get more. This does not mean there is anything improper or dishonest about this matter. It means we have no crystal ball, there is no book that tells any lawyer what a personal injury is worth, but we have to decide this on the knowledge and the facts available to us. Well, why should not counsel be able to sit down with his opposite, whether it be claims man or

defense attorney and say, "Jim, I am not going to waste your time. You know the facts as well as I do. I won't take a penny less than $10,000. You pay $10,000 and we will wind it up." I tell you why you cannot engage in that kind of what I call "one punch stuff." Neither side has a crystal ball and we both have to evaluate the case. I may have evaluated it at $10,000 because I know my client very well. I know some dangers that the other side does not know. The other side may have evaluated this case at $15,000, and so when I say to him, "I will take ten," he screams just as he would if I had asked for $100,000, and after a lot of shenanigans and double talk, we finally settle the case for $10,000. I have just cost my client $5,000. I could have pushed this fellow for $15,000, but on the other hand, if the defense counsel says to me, "I have checked over this and I am not going to waste your time. It is a case for settlement. We will pay you $15,000," meanwhile I have valued the case at $10,000, I go through the same procedure, and after a while we settle for $15,000, he has just cost his carrier $5,000. This is why we have to bargain, we have to negotiate.

I think this little story about a situation that used to exist in Philadelphia might develop the situation a little more clearly. There was a fellow who lived in an area of Philadelphia we call "Fish Town" and when his little son got to be ten years of age he bought him a horse and he said, "Jimmy, I want you to learn how to handle these things in life. You are getting up in years now. You take this horse to Hogan's Stable and find out how much he will charge you to stable this horse." Jimmy takes the horse over and comes back in a little while. He said, "Daddy, he tells me he wants $12 a month." He said, "Fine, now you have gone through the first stage. You go back again and work him over and see how much less he will do it for." Pretty soon the youngster came back and said, "Well, I was successful. I got him down to $10 a month." He said, "You are beginning to learn. You are doing well." He said, "You go back and say, 'Of course that includes feed for the horse.' " This time he was gone a longer time, but after a little while he came back and said, "Tom Hogan says he will stable my horse for $10 a month and that will include food." The father said, "Now that is excellent. Now there is one more thing you have got to do, one more step you have to complete. You go back and ask him how much he is going to allow you for the manure." He said, "Well, daddy, I thought I was beginning to learn about this process and I did talk to Mr. Hogan about that. Mr. Hogan said, 'I know what your daddy is trying to do and I don't mind it. It is a good thing, you have to learn, but you go back and you tell your daddy for what I am going to feed your horse for $10 a month there ain't going to be no manure.' " That is the bargaining process. In short, you have put the value on your case. You are ready to sit down. Should you talk

it over with the claims man or with defense counsel? In our situation, the situation in my office, we have no problem in that regard because every personal injury case that comes into our office is a case we handle in contemplation of suit. We never consider that this is a case we are going to settle. We consider that this is a case we are going to trial, and as soon as we have enough information to prepare a complaint, we put the case in suit. We have gotten away from the old traditional graciousness of sending a letter to the defendant or to the carrier saying, "We represent John Smith in connection with this claim. Would you like to sit down and talk to us about it?" We have gotten away from it because we never got a response. All we ever got was an interview to investigate our client in an effort to beat the case, so we put the case in suit right away. The sooner we get it in suit the sooner we get it up for trial.

So defendants know they are either going to have to settle their case with us or the twelve strangers in the jury are going to put a value on it and determine it for them. Also, it means that I can deal with defense counsel rather than claims people. This does not mean we do not have very fine claims people in our district. We do. A few of them have some competent, understanding claims people, but largely the man in the claims department, the adjustor, is in the business of saying "no." He is trained to say "no." It cannot hurt him if he says "no" because what is going to happen? If he will not settle the case, then the legal representative of the case is going to have to try it. If the legal representative gets a defendant's verdict or a low verdict for the carrier, the claim man says, "No great adjustment there. I told you it wasn't worth very much. He just did what I told him he should have done." If he gets a high verdict against him, then the lawyer is no good. The lawyer cannot win and the claims man cannot lose by saying "no." So you waste time in many instances talking to a claims man unless he is a good type who learns it is good to settle most cases. I will say this, in most cases we try, we settle 90 to 95 per cent of our cases. Of course every lawyer must because when you have 75 to 100 cases on a trial list, if you are not going to settle ninety per cent you will be ten years behind in the trial list instead of five, and nobody is going to have justice and the attorneys are not going to make a living, and that is very important too.

We find it highly desirable generally to deal with defense counsel. They know the problems that come up in the trial. They know the exposure of their client, and we can talk to them more sensibly. What happens when you talk to them? It depends on the training that the defense man has received, and this depends upon the company that he represents because they have different methods, but let me give you

the picture of what happens when you sit down with your opposition in order to settle a case. You say, "Jim, here is the situation; here are the facts; here is the damage my client has sustained." You say, "I have a case I have just calculated. You can look at it. I just calculated it at $32,500," and the reaction you get depends upon the school of training. He does one of two things, he falls off his chair violently and lies on the floor. When this happens, let him lay. Do not pick him up because this is therapy. This is the training he has had, and before he can start talking about the damages he has got to go through this procedure. If you do not let him get through it completely he is frustrated and never gets to talking about damages, because he has got to get it out of his system, so let him writhe and roll on the floor and pretty soon he will get back on the chair and talk about damages. Then another fellow leans back and laughs uproariously. He says, "My Lord, you always were a joker in school and you have a marvelous sense of humor, but look, we are both busy, let's get down to business, let's talk about this case." Another one is the fellow who says, "Oh, my, I know you need a new car, I know your wife would like to have that mink jacket. I would like one for my wife, too, but this case won't stand it. Come down out of the stratosphere." Whatever the reaction is, let him exhaust it completely because there is a regular script that he has to follow, and when he follows it and gets it out of his system he will feel fine.

Now after that talk about damages. Do not talk about liability. There is no sense in both of you talking about it and that is all he will talk about. Also, it should not be a monologue. This means that you must determine at the very beginning that there is going to be a response to this demand. Find this out. Say to the gentlemen in the beginning, "Now look, I am going to give you fairly and frankly what I think the value of this case is and what I am willing to take. I want a response. I do not care if it is only one dollar, I want an answer. I am not going to talk to you and have you say that the figure is too high and give no response." It serves no purpose, and if that is the way it is going to go, you might as well not have the discussion, so have that understanding in the beginning. Another thing is, if you are talking to a field man, an insurance representative who is out in the field, most of these men have limits. When I first started practice the field limits used to be $5, $25 and $100. The way some of them talk you would still think it is $5, $25 and $100. Today it may be $50, $250, $500, sometimes $1,000. But they have their limits, and if you have a case worth $500 and a claims man comes to your office, it is simple to say to him, "What is the limit of your authority?" If he has a $250 limit of authority or a $500 limit of authority and you have a $5,000 case, you might as well be talking to your secretary or your

child at home, because this fellow is not going to be able to do you any good. He will try to wheedle out some information for the company and go back and write a long memorandum about what a good boy he was, and you are not going to be any further ahead than you were. So learn what the limit of his authority is and then you can talk to him. If his limit is low and he wants to talk to you, say "I am sorry, I can't talk to you about it. When I get around to it I will talk to the claims department." This may be a little humiliating that the company only regards him as a $250 or $500 man, but do not waste your time or his time.

The claimant's man should try to dominate the settlement conference. This is a hard thing to do if the defendant's man is trained in the same way. I spent better than ten years with the FBI, and the FBI man is trained to dominate the interview. If the defense man was in the FBI too, and he was trained to dominate the interview, you have a tremendous head-bashing conference. It probably means that case will be tried. But if you go into a conference feeling this case is going to tried and settle it, marvelous; but if we cannot settle it, I will try it, and besides a trial is a pleasant procedure.

I find that throughout the country largely there is a serious situation, and that is that the percentage of trial lawyers is growing smaller and smaller. The young lawyers particularly find that if you go into the tax or estate part of the practice, you make more money and work less. I do not know why those fellows get ulcers. I guess money has its problems, too, but the young men largely today do not want to get into the trial practice. I suggest to you that the real lawyer, the trial lawyer, is the man who helps formulate and crystalize the law. In addition, there is nothing more exhilarating, stimulating, and exciting than the business of being a trial lawyer. I would think this is the kind of thing that the young man would look forward to, to try to work to emulate some of the zeal of the old trial lawyers we have in history. You know that although a doctor, when he passes State Board is licensed to practice medicine and surgery, the profession protects us against the young doctor by not letting him practice surgery until he is competent, until he has served on the hospital staff, and has had a place to perform surgery, so you do not get your appendix taken out by a kid just out of school. But we can try cases as soon as we get out of law school, and, believe me, I have seen major surgery practiced by some lawyers on some of their cases. This is why we have these educational meetings, this is why I am victimizing you the way I am this morning. I would hope that every man would be anxious, ready, willing, and able to try cases, and I suggest to you when you have evaluated your clients' cases fairly, if you negotiate them properly and if you try them vigorously, you will not only

enhance the public image of the lawyer, but you will give your client the service to which he is entitled and you will make a good living for yourself.

Address of James Dempsey

Mr. Chairman, President Cottrell, Mr. President-elect Satterfield and Mr. President-elect Wise, ladies and gentlemen, I have wondered why you distinguished lawyers from the State of Mississippi would wish to have Mr. Lorry and me from the winterlands come here and address you, because certainly, if any place in the United States has outstanding lawyers, it is right here in your great State of Mississippi. I wonder, too, how it is that you can practice law so successfully, because the ladies of Mississippi are so beautiful as to be distracting, and I do not quite understand how it is that you can devote so much time as you do to your profession.

I thought, as I listened earlier today, because this is not the first time that I have had the honor to appear before the Mississippi Bar, of the great number of things that we lawyers have in common, and I recall some years ago when Will Rogers, the erstwhile philosopher, was in his heydey, he was asked what his solution was to the traffic problem. He said he had it worked out, that he thought all the traffic going east should go on Monday, Wednesday and Friday, and all the traffic going west should go on Tuesday, Thursday and Saturday. Sunday would be a day when everybody went, so somebody then asked him, well, what about the North and South. Will Rogers then said, "there is no North and South. They are all one," and certainly in my behalf I wish to thank you for the gracious hospitality which you have extended not only on this occasion but on prior occasions when I have been privileged to come here to visit with you.

Now the very fine discussion of Mr. Lorry prompts me to say at the outset that I am not and should not be considered in the role of defense counsel, because my practices sometimes are on the plaintiffs' side of the fence, and some days on the defendants' side of the fence, and perhaps if there were to be a truly standup and blow for blow battle between plaintiffs' counsel and defendants' counsel, you certainly could have had a member of the defense industry who is more closely allied than I.

I live in the State of New York and I wish to tell you this because it may to some extent affect the reaction that you may have to my remarks. I have at one time obtained a verdict in favor of a plaintiff, and please do not feel that I am telling you about my verdicts, for $489,-000, which was up to that time the largest verdict in the State of New York, and I also had the honor of being on the short end representing the

New York Central Railroad when a verdict was brought in against me of $325,000, which up until that time was the largest verdict that had ever been found against the New York Central Railroad. So I have had occasion to be on one side and on the other. We meet here on the common ground of lawyers assembling in an effort to ascertain whether or not we are seeing eye to eye on some very fundamental issues. One of the issues before the house, it seems to me, has to do with the question as to the contingent fee arrangement. Before we get into the analysis with respect to settlement negotiations, I know that before the America Bar and other bar associations, the matter of contingent fee has been under advisement.

In London, England, as you know, there was a case not so long ago where an American sailor was injured. It was probably a case of negligence where he was entitled to recovery. He went around eventually to a solicitor. The solicitor said he had a very good case, but he would have to get a fee of five hundred pounds, and the sailor wanted to find how much that meant in dollars and cents. Then he said, "Does that cover the entire fee?" The solicitor said, "No, we may have to get a barrister." "What will the barrister charge?" "I don't know, but I assume he will charge at least another five hundred pounds," and the end result was, as I understand it, that this American sailor with a very good liability case did not have the five hundred pounds with which to retain the solicitor, nor the five hundred pounds to pay the barrister. Consequently, he never prosecuted his claim and never received any recovery whatsoever.

So I feel that the contingent fee undoubtedly has had a place in our life, and certainly we must take it into our mind and attitudes as we discuss the settlement of lawsuits. I well recall not so long ago a man speaking to his attorney to find out what that contingent fee meant, and the attorney gave him a long explanation. He said, "I don't understand it." He said, "What is this contingent fee business?" The lawyer said, "Well, to put it very simply, it means this: If you lose the case I don't get anything, but if you win you don't get anything."

Mr. Lorry has indicated his feelings as to the trust funds handled by the insurance companies. I think sometimes we are short-sighted in not looking beyond the corporate veil, for I submit that relatively little of the funds they handle remain in their hands. The insurance company is not the quarry, it is the public. It is the public, those who own the automobiles, those who ride in the automobiles, those who use the vehicular traffic that traverse our highways, which eventually has to pay the bill for the overload, the case load as it may be, with respect to the claims that are presented for personal injuries in this country. We cannot overlook the fact that there are certain realistic

issues or else it will come back to engulf not only the legal profession but to affect the public generally. We must observe the signs that are facing us on the crossroads. You cannot inflate, you cannot multiply, you cannot press the question of damages beyond the point where there will be a public reaction or public revolt, or we will be litigating ourselves, litigating our clients right into a new era in the enforcement of law. But observe that there is no more expensive car than the car that is crossed with the railroad train. Just as soon as you find that there is a lawsuit pending, why the question of dollars and cents, the addendum, goes on to very, very high proportions. It is easy to try to figure that when you attempt to analyze the question of damages for personal injuries, to sound forth doctrines; but when you try to approach it with a completely open mind, a completely objective approach, I am sure you will agree with me that the lawyers, whether they represent plaintiffs or whether they represent defendants are all in a combined effort to see that justice is effected between litigants on what is the most pressing of all problems confronting the law today. The brethren who specialize in plaintiff's cases have developed in their own minds certain procedures which may be raising the ceiling so high, to such astronomical figures can come back, I am sure, to confound and plague our the supporting law. Now, mind you, those are men who study their cases, study their law, study their medicine, and they are these plaintiffs' lawyers by and large, very great students and very able attorneys, and I believe in the plaintiffs' bar you will find without any question some of the greatest advocates of the bar of the American courts today. These gentlemen have finally banded together in an effort, a joint association to see if there cannot be moved higher, ever higher, the dollar sign upon personal injury. And you have read and you have heard and you have seen these articles upon the adequate award, and you have read and you have heard these articles upon the "more adequate award." I, for one, do not believe that that is the goal of any or should be the goal of any of our members of the bar. It is not the question of whether an award is adequate or more adequate, it is a question as to whether an award is just or unjust, and I agree with Mr. Lorry that awards can be so low that they are unjust; but I do not agree with him when he says that there is no such thing as an excessive award, because those astronomical figures can come back, I am sure, to confound and plague our house, not only for this generation, but for many generations to come.

Among the artifices is the blackboard, and they can sit down and figure out that a man makes, for instance, $100 a week. That is roughly $5,000 a year. He has a life expectancy of thirty years, so that is $150,000 he has for loss of earnings; he writes that figure down on the blackboard, and you and I know that there is a great difference between life expect-

ancy and work expectancy. You and I know that most individuals do not work to the very day or the very minute when they pass from this world into the next, and so that figure, based upon the multiplication of earnings by life expectancy, is a fictitious figure. And you and I know that all individuals do not maintain through the course of their lives the same salary. There are such things as economic cycles, there are such things as unemployment. Today we have many millions on the unemployment list in this country, so you cannot take even that figure, the earning figure, and consider that as a final figure. And this man wakes up in the morning and he has a pain in his back, and they say for a pain in his back that man should get one dollar an hour. Then they figure that out, $24 a day, and in the course of the year it runs $7,760. Multiply that by thirty years, that is $210,000 for the pain in his back at one dollar an hour. Put that down on the board. Of course, while pain and suffering is something which is very difficult to evaluate, you and I know the reaction of a jury, but the improved methods in the science of medicine so prevalent today preclude the inevitablity of permanency of all injuries, and consequently, we depreciate that figure of one dollar for the life expectancy with a great big question mark before it. We go one step further. We say this man is entitled to his method of living. He used to play golf, and now he can not even play billiards. Now what is that worth? The fact that he can not play golf, would you take ten cents an hour, five dollars a day because he can not play golf? If so, we will put that figure down. He used to play the piano, now he can not; he used to dance and all of these things which he has been denied, things which have a dollar value, an hourly value. Put that down on the blackboard, and you remember what the man said who went to the Irishman, "Tell me, Patty, when you play the piano, do you play by note or do you play by ear?" He said, "I don't play by ear, I play by main strength." So that is these people that say there is a loss of some personal pleasure, multiply it by hours and months and years, and put this figure on the board. Then they say this: "In addition to that he has become irritable, he has had a change in his personality. When his wife berates him he becomes upset; if the children make noises he becomes aroused; if a man knocked on the door to find out why his bills are not paid, he gets irritable." How much is that worth, and they begin to figure that on the blackboard. Of course you and I must appreciate, if we are fair about it, when you get into the five and six and seven figures, that kind of addition is very often fallacious. It is amazing what some of these plaintiffs' attorneys do with the blackboard. From the standpoint of computations, they are unquestionably disability doctors, and by that I mean that they are specialists in disability. They are to some extent, and I say this kindly

and advisedly, merchants of suffering, profiteers of pain, and we have to realize that there must be, it seems to me, certain well contained limits and certain well contained principles. Now what is one that may be presented to you? One is this: A claim does not necessarily increase as time goes on. Scars do not look nearly as disfiguring, Mother Nature, the advancement of science, the wonder drugs which we have, the great techniques of our medical institutions, just time itself, the healing hands of the passing of time bring about great results, so that it is not always the case that goes on to the bitter end which has the greatest amount of value. I suggest that to you in the consideration of the potentiality with respect to settling, that if you can settle the case at a comparatively early time, you do so. It is costly for a defendant to have a case in its files, to have a case in its office. It is even more costly, I submit, for a claimant to do so. The expense of the case load added to your file and multiplied over the years detracts from the amount which you as attorney will eventually receive and perhaps as to the amount which the client himself will eventually receive.

I was interested to read in the past few weeks of a case which was tried in one of the courts of Illinois where the plaintiff was Mr. Justice Douglas, one of the Justices of the Supreme Court of the United States. He was injured in an automobile accident, so he brought the case on his own behalf. A request was made for the judge to charge the jury that Mr. Justice Douglas was not to receive any greater consideration before the court and jury than any other litigant, notwithstanding the fact that he occupies the highest bench in the United States. The trial judge so charged that Mr. Justice Douglas was to be considered in exactly the same category as anyone else. The jury brought in a verdict favorable to Mr. Justice Douglas of $1,350, then the newspaper account which I read went on to say that Mr. Justice Douglas had been offered the sum of $3,000 in settlement of his claim and he refused it. So, whether a man is a member of the Supreme Court of the United States, or not, very often as time goes on, your case does not enhance in value. Very often as time goes on it declines. Consequently, if the case can be disposed of with dispatch, with celerity, the greatest service will be rendered to your client, and where the contingent fee is involved, of course the greater molument to the attorney.

Now I feel that when you go into the question of settlement there are some questions that should be asked, and I pass these out to you for what they may be worth. You know Kipling wrote this line, with which I know you are quite familiar: "I had six honest serving men. They taught me all I know. Their names were where, and what, and when, and why, and how, and who." Well, I am not going into the six men that served Kipling, but I call to your attention that in negotiating

settlements I think there are four of those we should take into consideration — who, what, when, and where — and the "who," I submit, is the first question we should consider. Who is the plaintiff? Is it a wage earner or housewife? Is it a young child or is it a person of advanced years, someone who has reached the sunset of life? Take the case of children, in New York. For a long time there was a rule of thumb that the child's life was worth a thousand dollars for every year of the child's age. In other words, the two-year-old child, $2,000; five-year-old child, $5,000; that was in a liability case. May I call your attention to three cases in New York, one where for a twelve-year-old child in recent years, they thought that $45,000 was more like it rather than $12,000. And for a seven-year-old child, the jury brought in a verdict of $35,000, and for a two-year-old in New York, a verdict was brought in favor of the plaintiff for $27,500, but that verdict was reduced by order of the appellate court with a memorandum decision that they felt any verdict for a two-year-old child in excess of $12,000 was excessive. Now, how do you determine the value of a child's life? We have a pecuniary loss principle in New York. There are, as you know, so-called "rep" cases, Shirley Temple cases, the cases of children with special attributes who could play the violin, act, or had shown that they were mechanically inclined. But with a two-year-old child, how can you determine what the child's potential may be? The position with respect to the life of a child might well be connected with the old adage, "The apple falls close to the tree." And, as the jury see the parents, they can pretty well visualize from them what the child might have been had he been permitted, without intervention of this occurrence, to grow to manhood and take his place in life. Of course you must consider in evaluating the life of that child that whereas in infancy the child needs the guiding, helpful hand of the father and mother in the first steps the child takes, and as he begins the advents of life, without those helpful hands, the child could never have obtained maturity. But when the parents come to the sunset of life, the hands of the child very often are the sustaining hands to help the parents.

As to concerning myself with the "who" as to adolescence, maturity and middle age, we had a lady in New York not so long ago who got a verdict of $25,000, and how old do you think that lady was? Ninety-four years old. She had long exceeded the normal span of life. The jury brought in a verdict in her favor of $25,000. That is the exception, I must say, but nevertheless, pain and suffering is no respecter of age and no respecter of station in life. So, I submit on the question of "who" you first have to consider your client, your client's personality, station in life, and one step more than that, the "who" also has to do with the attorney representing the client. The same case in different

hands has different values. Some attorneys who specialize in negligence practice can command either in settlement or before juries, as we know, more than other attorneys.

The next question is "what." "Who" has to do with the client and attorney; "what" has to do with the question of liability. And of course in these cases you have three classifications: Cases of no liability, and of course they are cases where the insurance companies are usually put to trial, the case is not negotiable; cases of manifest liability, and those are generally settled, as you know; and cases of questionable liability, where the overwhelming mass of cases are eventually tried. You have in those the question of "what", you have the horror phases. For the same injury you might get considerably more damages if your indignation is aroused. If a child is playing on the sidewalk or in his yard with other children and a drunken driver comes out of the thoroughfare, car goes out of control, and crushes that child to death or maims that child, immediately the normal revolting reaction we have to such an occurrence will increase the matter of damages over and above the same injury, the same results from a less harrowing experience. In those cases you can get from 100% to 125% more for the same injury.

"When" is the next question. I do not mean by that it is a case tried in the week before Christmas, but the question mark as to time. Did the accident happen at four o'clock in the morning with a lot of teenagers on the way home from a joy ride, or did it happen at seven o'clock when a man was on the way to work, and did it happen in the productive years of one's life? Did it happen before those productive years? Did it happen in the eventide of one's life? A broken leg may be one thing to a boy of twelve and another to a man of sixty-five. Loss of teeth to a child may be very devastating but loss of teeth to one of advanced years is rather incident to the aging process.

Then the question comes as to "where." When I say "where", I I don't refer to the place where the accident happened necessarily, although it might make a difference if the accident happened in a tavern, on a railroad train, or in the home of a friend and you are suing a friend. When I refer to the question "where", I refer to the big item of damages, what part of the body was hurt, what part of the system is involved. And there, if you represent the plaintiff, I say that you should get all of the information, bearing in mind that today's hospital bed, where it used to cost $5 a day, now costs $25, and medical prices have gone up, and all in all, it is a more expensive thing to be hurt today than it ever was.

I would like to tell you three different formulae that have been presented by a man by the name of Sindell. These are methods that have been suggested by different attorneys to evaluate a lawsuit and

effect some figure. They all show the "take", so I submit them to you with some tongue in cheek. A man by the name of Sindell up in Cleveland worked out an equation. First, he took the liability issue and he gave to that 50%; he evaluated the injury at 10%; the age of the parties was evaluated at 10%, figuring the most valuable from the standpoint of age is in the early infancy. Ages one to ten he values at ten; ages sixty-five and over he values at one. May I just digress a moment? I started to write a paper on the first million dollar verdict. There is no doubt in my mind that sooner or later we are going to have a million dollar verdict in this country. And when we sit down to consider the large verdicts in America, you will find that the biggest of all are not to the widow of the wage earner, not to the $5,000 or $25,000 man who was killed by a car or airplane or any other means. It is not to the man whose life or work expectancy is figured out on the blackboard, but the biggest verdicts so far have been verdicts in children's cases. A verdict in Chicago not so many years ago of $750,000 was in a child's case, and that is the largest verdict in America, as I understand, at the present time, and they never even brought that child into court.

I think the greatest weakness among us trial lawyers is in overtrying our cases. I have always felt the greatest appeal is the understatement. I have heard people talk about excruciating pain, exquisite pain, they moan and groan, lawyers who weep and pray and all that. I do not subscribe to that kind of procedure. I think the most effective statement I ever heard in court was from a man brought in on a stretcher who had lost the sight of one eye, had a fracture of the skull, arm, and pelvis, had seventeen fractures of one leg between the knee and ankle. That was his good leg; the other leg had been hurt in the war. He was brought into court on a stretcher. When the attorney asked the absurd question we lawyers ask, "Did you suffer any pain, Mr. Bowman? Did you suffer any pain?", this man tried to get off the stretcher, he attempted to smile, swallowed a lump in the back of his throat, and then leaned toward the jury and said in a half whisper, "Well, it didn't feel any too good." That is all.

And I recall the case of a little girl where there was a verdict of close to $500,000 who became paralyzed from the chest down. Oh, the lawyers talked about $100,000 and $200,000; the little girl got half a million dollars, by what I consider the understatement, not the overstatement of appeal to the jury. This little girl was in a wheel chair, not more than five or six years of age, and counsel said to the jury: "This little girl will never hear her mother say 'run outside and play.' This little girl will never hear anyone say 'would you like to have a dance?' This little girl will never hear anyone ask 'will you be my wife?' This little girl will never say 'I am going to have a baby'." A few statements like

that, and the verdict was approximately $500,000.

Recently on the west coast in one of the *Cutter* vaccine cases, an eminent claims attorney obtained a verdict of $675,000 where a child got the wrong injection of vaccine. Those are three cases of substantial monies of infants' cases, so I predict the first million dollar verdict will be in an infant's case.

But let me go on with the formula of Sindell. He takes the points in the case that he figures up and multiplies it by the point value. Of course this is always the unknown quantity. Then he adds the expenses of one thousand dollars to get the full settlement and he can prove to you, the great efficacy of his formula. There is a list that always has the unknown quotient to begin with.

A man named John McConnell formulated this: he took the out-of-pocket expenses; multiplied that by the arbitrary factor, that is always the unknown factor; then multiplied by the horror factor, if any; then added or subtracted personality of the judge and jury; and divided that by liability. He claims that is a very good procedure. I have the Dempsey Formula; I would like to submit it to you: 50% for liability, 40% for injuries, 30% for the personality of the parties, 20% stature of counsel, 10% special damages. Now if you add those together, you see that makes 150% and that is all any plaintiffs' attorney ever wants.

I have enjoyed immensely being with you, and although I have attempted to stress the defendant's side of the settlement negotiations, I cannot help but feel whenever settlement figures are discussed, whenever anyone raises an eyebrow or shows any concern about a large verdict, the words of a great philosopher who once said, "He scoffs at scars who never bore a wound." We lawyers who practice law in, I submit in the greatest field of all, the field of advocacy, have an enormous opportunity to be of service to the clients we represent. I am happy indeed to be here. Thank you for inviting me.

President Cottrell then introduced Mr. Fred M. Bush, Jr., Director of the Agricultural and Industrial Board, who made remarks on Mississippi's economic growth and industrial development.

The motion was passed to take from the table the motion made by Mr. Clayton in the first general assembly to amend section five of the bylaws. Mr. Earle L. Wingo of Hattiesburg made an amendment to the amendment proposed by Mr. Clayton. Mr. Wingo explained that the effect of the amendment would be to allow the Bar in convention to select the meeting sites for 1962-64, and the Bar Commissioners would select the times for these meetings and thereafter would select both the

time and site of the annual meeting. After discussion the amendment was adopted.

Mr. M. M. Roberts of Hattiesburg gave the report of the Corporations, Banks, Banking and Business Law Committee. The Committee's resolution urging favorable action on the Model Business Corporation Act was adopted.

Mr. Hugh N. Clayton of New Albany presented the report of the Resolutions Committee. The report was adopted. Mr. Clayton read a resolution opposing the repeal of the Connally Amendment. The resolution had been submitted to the Resolutions Committee. Mr. Thompson McClellan of West Point spoke in favor of the resolution. Mr. John C. Satterfield of Yazoo City spoke against it. A motion by Mr. David C. Welch of Laurel was passed to table the motion to adopt the resolution.

President Cottrell urged the members of the Mississippi State Bar to attend the November meeting of the Southeastern Conference of the American Bar Association in Birmingham. He announced that Mr. Satterfield would preside at the meeting.

President Cottrell announced that President-elect Sherwood W. Wise of Jackson would assume the position of President upon the completion of the election of officers.

Mr. C. Sidney Carlton of Sumner was nominated by Mr. K. Hayes Callicutt of Jackson for the office of First Vice-President and President-elect of the Mississippi State Bar. In action upon a motion by Mr. Jesse W. Shanks of Purvis, Mr. Carlton was elected by acclamation.

Mr. Eaton A. Lang, Jr. of Gulfport was nominated by Mr. E. C. Ward of Natchez for the office of Second Vice-President of the Mississippi State Bar. In action upon a motion by Mr. Jesse W. Shanks of Purvis, Mr. Lang was elected by acclamation.

President Wise assumed the Chair. The Gulf Coast area was chosen as the site of the 1962 meeting of the Mississippi State Bar, and Jackson was chosen as the site of the 1963 meeting.

The following Commissioners were elected:

District 1 — Orma R. Smith, Corinth

District 2 — Albert Sidney Johnston, Jr., Biloxi

District 3 — Lester F. Sumners, New Albany

District 4 — Stanny Sanders, Greenwood

District 5 — Jay Gore, Jr., Grenada

District 6 — Harry L. Corban, Fayette

District 7 — K. Hayes Callicutt, Jackson

District 8 — Bobby Everett, Newton

District 9 — Frank E. Everett, Jr., Vicksburg

District 10 — Richard Lord, Meridian

District 11 — William H. Bizzell, Cleveland

District 12 — Homer W. Pittman, Hattiesburg

District 13 — Jack W. Walker, Mendenhall

District 14 — J. Meredith Wood, Brookhaven

District 15 — Wm. E. Andrews, Jr., Purvis

District 16 — J. Wilmot Thompson, Jr., Starkville

District 17 — Herbert Fant, Sardis

District 18 — George Maxey, Laurel

The Fifty-Sixth Annual Convention of the Mississippi State Bar then adjourned *sine die.*

PROCEEDINGS OF THE TWENTY-FIFTH ANNUAL MEETING OF THE

JUNIOR BAR SECTION

Held at Biloxi, Mississippi, June 29, 1961

The General Assembly of the Junior Bar Section was called to order at 1:30 p. m., June 29, 1961, in the Buena Vista Hotel, Biloxi, Mississippi, by Mr. Eaton A. Lang, Jr., President of the Junior Bar Section.

The invocation was delivered by the Reverend Michael S. Deis of Pass Christian.

An address of welcome was delivered by Mr. Daniel D. Guice, Mayor-elect of Biloxi, and was responded to by Mr. James F. Noble, Jr., of Brookhaven.

The first order of business was the presentation and consideration of committee reports.[1]

Mr. Sherman L. Muths, Jr. of Gulfport presented the Report of the Mississippi Traffic Court Conference Committee. Mr. Calvin L. Wells of Jackson presented the Report of the Law Day U. S. A. Committee.[2] Mr. George P. Hewes III of Jackson presented the Report of the Young Lawyers' Seminar Committee.

President Lang then introduced Mr. Peter H. Beer of New Orleans, past Speaker of the Conference Assembly of the Junior Bar Conference of the American Bar Association.

ADDRESS OF PETER H. BEER

Mr. Chairman, I am most pleased to be able to bring greetings to the Junior Bar Section of the Mississippi Bar from the Junior Bar Conference of the American Bar Association. This group in Mississippi is one which has already made grand contributions to the Junior Bar Conference of the American Bar Association. In the present, such of your outstanding members as Hayes Callicutt of Jackson, who is the vice-chairman of the Budget Committee of the Junior Bar Conference; Eaton Lang of Gulfport, representing Mississippi in the Conference Assembly; Frank Riley of Tupelo, vice-chairman of the Continuing Legal Education Committee; E. C. Ward of Natchez who was the vice-chairman

[1] All committee reports are in Appendix A.

[2] This report is included among the committee reports of the Senior Bar.

of the Law Day Committee; Jerome Steen of Jackson, vice-chairman of the Pre-practice Orientation Committee; Rob Barber of Gulfport, representing this section as delegate to the Conference Assembly of the Junior Bar Conference, and I know that there have been many others whose service has also been a contributing factor to the present strength of the Junior Bar Conference.

You have, Mr. Chairman, asked for a brief report of the activities of the Junior Bar Conference during the past year, and I will try to discuss them briefly along with some observations which we have made during the past year, in the hope that by doing this, we can perhaps get some suggestions from this group as well as pass on to you some of the thoughts that we have had with reference to the programs that have been engaged in on a national level.

The various endeavors of the Junior Bar Conference are actually undertaken by committees. I am sure that your State association works on much the same basis, and it is through these committees that any real effect is felt on the over-all subject matter which we concern ourselves with in the Junior Bar Conference. The first, and perhaps one of the most important activities that we have engaged in on a national basis has been the admission ceremonies in the various states where new admittees to the Bar have been honored at a gathering sponsored by the Junior Bar Conference. I must confess my ignorance as to how you are generally admitted in Mississippi. I do not know whether it is in a circuit court proceeding or whether you all gather in the Supreme Court for an admission ceremony once or twice a year. In Louisiana, for example, we are admitted twice a year in the Supreme Court. Of course that makes it a good deal easier to have two rather extensive ceremonies there where, among other things, we try to get everybody to join the American Bar Association, but it also gives you an opportunity to meet with the people who are just coming to the Bar. These programs have been sponsored on a national basis by the Junior Bar Conference. I suggest to you, Mr. Chairman, and your committee chairman in this particular endeavor, that there are a number of aids which are available in this regard from the Junior Bar Conference national headquarters at the American Bar Center in Chicago. The cooperation of the state chairman, naturally, is the most vital thing, for without that sort of cooperation the program is without success.

The next field of endeavor which the Junior Bar Conference has given its attention to in the past year has been a very vigorous program supporting the Committee on the Status of the Young Lawyer in Government. It is not as foreboding as it sounds, for what it has done has been to find a number of very excellent placements for men who are interested in working in various federal agencies. As a matter of fact,

I know that Eaton was in Washington at the annual meeting and I have seen two or three other people who I know were there, and they can tell you as I can that at that meeting we had an actual workshop where people were interviewed for jobs by these various federal placement agencies, and the result of it was that a number of Junior Bar Conference members ended up in positions in federal agencies, including — and it is an impressive list — the Civil Service Commission, the Department of Justice, the General Accounting Office, the Office of the General Counsel of the Treasury Department, the Office of the General Counsel of the Navy Department, the Office of the General Counsel of the Health Education and Welfare Department, and a number of others. It is a revealing thing, I think, to know that this committee of the Junior Bar Conference exists for the sole purpose of providing a clearing ground for people who are interested in these federal attorney-type jobs. I think this is something that deserves a lot of publicity and support, because I know that a number of younger attorneys are interested in such a legal career.

The next activity of the Conference was the activity of the Medical Legal Committee which engaged, among other things, in a number of seminars throughout the land. Actually we had several seminars at various State Bar meetings, and again this is an activity which is available to you should you desire to call upon the Junior Bar Conference for this program, which was very ably sponsored by a lawyer from St. Louis, who really did a lot of traveling in order to put this thing over in a number of different junior bar meetings throughout the nation.

Moving along rather quickly, the Pre-practice Orientation Committee has been primarily involved in setting up pre-law clubs on the various campuses throughout the United States.

Many of you went to Ole Miss; I went to Tulane; others went to universities as undergraduates where there was a law school on the campus. Often we do not realize that most of the colleges in the nation do not have law schools, and it is for the benefit of undergraduates at these schools who are interested in becoming lawyers that this committee has done an extensive job in setting up pre-practice orientation groups and pre-law school orientation groups in an effort to point out certain college courses which may be of great benefit to those going to law school and to acquaint them generally with various areas of the law.

The Annual Meeting Committee is charged with the annual meeting. That committee has been making arrangements for the meeting this year in St. Louis in August, and I will only make a very brief pitch as far as that is concerned and say that it looks like it is going to be a very good meeting, and with rather extensive facilities. I hope that a

number of you will have an opportunity and will come.

Let me say that this is off my prepared list, so to speak, but we have found that a lot of things should be discussed at Junior Bar meetings which somehow are not brought out, and we find ourselves falling into the pitfall of perhaps the "same old thing." We are going to try to be more basic in our approaches to things that might be of real interest, because I think that one of the main things that we derive from these meetings, after all, is trying to find out how the other fellow runs his shop. The best way in the world to find it out is not from somebody else in your home town, because he is not inclined to tell you, but we do find out among ourselves at the annual meetings. I tell you that that alone will pay your freight, because you pick up enough to warrant your going. It really does make sense, and we are going to try to concentrate on something in that area this year in St. Louis — a very definite economic seminar aimed at fellows in our age group.

The Conference Committee on Court Improvement has been active in working particularly on courts of limited jurisdiction. We find as young lawyers, we actually end up doing a lot of our work in the so-called lower court. I have had a little experience in the justice of the peace court over here on traffic matters as a defendant rather than an advocate, but I will say that they need a little improvement too. But in any event, the Committee has done a good deal of work on that; has come up with, among other things, the preparation of a model or uniform code of minimum provisions for these particular types of courts, and I think that that work is the kind of work that really is the sort of thing that the Junior Bar should engage in, and we are glad that we are doing work in that and have been recognized as an agency that can make some suggestions in that field.

The Continuing Legal Education Program For Newly Admitted Lawyers has been hard at work, and it really was revealing to hear George Hewes' report because this is just the kind of thing that the national committees are trying their darndest to do — to get men like him and men like the men that worked with him to participate. It sounds to me as though Mississippi does not need help but could certainly help some other States who are working on just this sort of thing. You see all we are really is a clearing house anyway, so that this sort of information comes up to the American Bar Association center and is then sent to the other State groups who are embarking on this kind of program, and of course, that is where we serve or try to serve a useful purpose.

The final committee that I think warrants taking your time to discuss briefly is the Conference Committee on Legislation. The Conference Committee on Legislation actually is a duplicate. We try not to

duplicate the efforts of the Senior Bar any more than we figure will actually be of value to the Senior Bar. The Legislative Activity Committee is a supplementary committee to the American Bar Association Legislative Committee, and we have all been working on the same thing and that is the Jenkins-Keogh Bill, which now has about ten different names. A lot of fellows in the Junior Bar Conference have been very active in trying to do whatever they can to influence legislation, on a proper basis, of course, in writing to their Representatives and Senators and in seeing people in Washington when they felt that anything that they might do would be helpful in that regard. The conference committee on the Junior Bar Conference Committee has really been a coordinating agency as far as that is concerned, trying to get as much State activity going as possible to bring about the result of the passage of one of these bills such as the Jenkins-Keogh Bill. In addition to that, they have been very active this year in attempting to have federal legislation passed to the effect that young lawyers, or any lawyers, really, but of course it usually turns out to be younger lawyers who have been appointed by United States District Judges to represent indigent defendants in criminal cases in the District Court, will receive some minimum compensation. I know that a lot of you here have been appointed by the United States District Judge and I am sure in the circuit courts by the circuit judges, but of course this federal legislation would only be with respect to federal court appointments, but it might precipitate some sort of minimum payment in the state circuit courts.

Now I know I am going along a little longer than perhaps I should, and there is just one other thing that I want to discuss with you. About four years ago the Junior Bar Conference instituted an agency known as the Conference Assembly of the Junior Bar Conference. At first it looked like we might not really have anything there to amount to anything. What we were trying to do was to see that the Junior Bar Conference, the national organization, did not fall into the hands of just a few fellows who kept coming back and perpetuating themselves in office. What we found was that for years the American Bar Association suffered terribly because of the fact that a lot of lawyers throughout the country felt that it was a closed corporation, and they finally got around that to some extent by starting the House of Delegates where each state sent delegates to the policy-making group of the American Bar. I think we all agree in the past few years it has done a great job in erasing that possible stigma and in becoming a truly democratic organization of the American Bar. It has over 100,000 members now, as you know. We try to do the same thing in the Junior Bar Conference. We have set up the Conference Assembly to which each State Junior Bar group either elects or appoints, depending upon its own procedure,

two delegates and each municipal or county bar group which is a member of the Conference Assembly also sends a delegate. Last year it was a wonderful thing to see. We had 39 States represented and over fifty municipal or county bar associations or bar groups such as the Junior Bar Group of the Federal Bar Association. This is the policy-making body of the Junior Bar Conference. These are the men who, on the floor of the Conference Assembly, set the policy of the National Conference of the Junior Bar Group. Anything that they wish to bring before the Conference can be brought before the Conference from the floor, and that to me has been the greatest single thing that has happened at the Junior Bar Conference in a long time. A good example this year when we considered the Connally Amendment in order to instruct our delegate to the House of Delegates, we had an open hearing on the floor of the Conference Assembly in Washington, and it ended up being really the form, except for one or two arguments, for consideration of the Connally Reservation in the House of Delegates of the American Bar Association. We had the top men of both sides, pro and con, come and address the Conference Assembly, including four past presidents of the American Bar Association, who felt strongly one way or the other about the Connally Reservation. The result was that we had a heated, but well kept in line discussion, ended up with a close vote and instructed our delegate accordingly, but it just proved up the fact that this Conference Assembly has become a real sounding board and a real speaker for the whole nation as far as the Junior Bar Conference is concerned.

It was a privilege to have had an opportunity to be there and something that I am sure I will not forget. I think that that pretty much covers it. I know that there are a number of things that I have skipped over rather hurriedly, but I do not want to take any more of your time. I certainly appreciate very much the fact that you have been interested enough in the Conference Assembly and in the Junior Bar Conference to have wanted to hear anything with respect to it. I hope that I have been able to give you some information as to the activities that we have engaged in, and I also hope that if there are any questions that I can answer with respect to it after the meeting that you will ask me and I will certainly try to answer them if I can. Eaton, I again want to tell you it is a pleasure to have been here, and I appreciate the chance to have spoken to this group. Thank you very much.

Mr. K. Hayes Callicutt of Jackson then introduced Judge Robert G. Gillespie of Jackson, Associate Justice, Supreme Court of Mississippi, who delivered the following address.

IMPACT OF THE DISCOVERY OF OIL AND GAS ON THE LAW OF MISSISSIPPI

Judge Robert G. Gillespie

Mr. Chairman, I appreciate your remarks. That was a little overzealous. I appreciate talking to the younger lawyers, first, because I remember when I was younger than you were in the practice, and I remember those days just like yesterday. In the second place, I like to stay around younger people because I like the way you think. I want to talk to you about oil and gas.

The discovery of oil and gas and the subsequent development of the industry in Mississippi has had its greatest impact in two areas: Economics and Law.

There is no doubt that the most important single factor in the State's economic development during the past twenty years has been the discovery and subsequent development of the oil and gas resources of the State. Multiplied millions have been poured into the economy in the form of royalties, bonuses, rentals, salaries, supplies and other items directly associated with the petroleum industry.

I want to talk about the impact of the discovery and development of oil and gas on the law. This, of course, is a big subject and cannot be treated in detail. It is the broad aspects of the subject to which I shall address my remarks. It is often true, I think, that we take a too narrow view of our specific problems. We can best understand and more quickly solve a specific narrow problem if it is framed in the broader general principles which embrace it. I can hope to do little more than attempt to stimulate your thinking on the broader aspects of the subject, and I want it distinctly understood that I am not an expert in this field. I am not like the little boy, the son of a friend of mine. His daddy said, "Son, sit down now. I want you to listen to me and you will learn something." The boy said, "I already know so much it scares me." Well, what I know about oil and gas certainly doesn't scare me.

Prior to 1939, when Tinsley field was discovered in Yazoo County, only a few scattering cases had reached the Mississippi Supreme Court involving minerals. Some of these involved clay and gravel deposits which could be reached from surface operations, and a few related to oil and gas leases that had not been developed. The discovery of the Jackson gas field in the early 30's produced no significant volume of oil and gas litigation.

Since the 1939 discovery of oil a large volume of cases has come before the courts involving highly significant questions on many aspects of oil and gas law. When the supreme court began to deal with these

questions involving oil and gas, the law of property had been developing for many centuries and the problems peculiar to that species of property known as minerals had not been a part of that development, particularly in this state. In the absence of precedents as to the legal incidents of this particular species of property, the Mississippi court turned largely to the decisions of the courts of those states which had had an earlier development of the petroleum industry.

When the courts of this country first began to deal with oil and gas, attempts were made to draw an analogy between oil and gas and other types of property which seemed to most resemble oil and gas and to apply the established rules governing those types of property. Some of the courts, in attempting to determine whether underlying hydrocarbons were subject to absolute ownership, considered the principles of law that had long been established involving wild animals. It was thought that the landowner's title thereto was more like the title to wild animals than like the landowner's title to solid minerals. If the landowner could entice wild animals onto his land and there capture them, the animals became his property, but he could not follow them onto the land of another and there reduce them to possession. Also, some of the early cases held that the title of the landowner to oil and gas was similar to his title to water running across the surface of his land or to percolating waters under the surface of his land, the extent of the landowner's right in either case being the right to capture and to take and use such water while on or under his land. Some of these earlier cases applied the same principles to oil and gas. Of course, in the case of wild animals, flowing surface waters, or percolating underground waters, the landowner's rights were far short of the rights of an owner, and no conveyance transferring title or reserving title of such rights could be made. The subsequent development of the law of oil and gas and a better understanding of the nature and attributes and the economic and physical conditions surrounding its production, revealed that in many respects oil and gas was a species of property peculiar unto itself and that the rules of law that worked very well when applied to other types of property were wholly inadequate and unjust in their operation when applied to oil and gas.

As a result of this realization there has evolved a distinct body of rules of law which we now know as the law of oil and gas. This evolution is still in process to some extent. As already indicated, it was fortunate that when oil and gas was discovered in Mississippi the oil and gas law had evolved in the other states having earlier experience with this species of property. The earlier experimentation and experience has probably enabled the courts of Mississippi to make the transition and to accommodate oil and gas problems with less difficulty

than was experienced in states that had earlier developments of the petroleum industry.

The cases decided by the supreme court of this state may be broadly divided into two groups, one having to do with the kind of estate or title one has in oil and gas, conveyances of oil and gas in general, and contracts involving its ownership and production. The other group involves questions arising out of the operation of oil and gas wells, including the state's power to regulate, such as spacing rules and unitization, and rights and liabilities incident to the working of lands for the production of oil and gas. In the first type of cases the court had to adopt certain theories of ownership, as well as an adequate terminology. Incidentally, laymen are sometimes critical of legal theories and legal terminology, but no system of law can be developed without appropriate theories or without the development of an adequate terminology.

One of the questions about which the courts of other states have divided is that of the ownership of oil and gas in place. Two theories have developed in other jurisdictions. It was said by some courts that the true and absolute test of ownership of a thing on all sound legal principles must be whether a party claiming such ownership has such right or title to the thing that no one can lawfully take it from him, without his consent. It was reasoned that if this rule was made the test, then the landowner has no ownership of the oil and gas underlying his land because the oil can be drawn from under his land by wells drilled on his neighbor's land. Thus it was that some of the states adopted the rule or doctrine of non-ownership. Those states which hold to the doctrine of non-ownership reason that because of the fugitive nature of oil and gas, they are incapable of absolute ownership until captured and reduced to possession. Other states adopted the doctrine of ownership of oil and gas in place. The State of Texas, whose decisions have been followed to a considerable extent in Mississippi, adopted the doctrine of ownership of oil and gas in place, and has held that the purchaser of oil and gas assumes the hazard of their absence through the possibility of escape, but if they are found and capable of being reduced to possession they constitute a part of the realty and are therefore capable of being conveyed as realty. These cases recognize the horizontal severance of realty as well as the vertical severance.

The courts of Mississippi adopted the rule of ownership of oil and gas in place and it followed that oil and gas was susceptible of distinct and separate ownership from the title to the surface of the land. We fully recognize the horizontal severance and the creation of a separate and distinct estate in the minerals underlying land. The estate

created by the severance of the mineral estate from the surface estate may be one in fee simple with all of the rights, attributes, and incidents of a fee simple title.

However, notwithstanding the different theories as to the estates in oil and gas, the ultimate results of the two theories has to a considerable extent been the same.

The recent case of *Neal v. Teat,* 126 So.2d 124 (Miss. 1961), is a good indication of the impact of the development of oil and gas on old and established rules of law. In that case the landowner executed a mineral deed to an undivided one-half interest to the minerals. Eighteen years later he filed suit to set aside the mineral deed on grounds of fraud. The holders of the severed mineral estate under said deed pleaded the statute of limitations, which has been in the Mississippi Code since 1857, and which barred actions for the recovery of land after the action had accrued for a period of ten years. The landowner contended that the holder of the mineral deed could not plead the statute of limitations and his argument was based on a line of cases consisting of about fifteen beginning about 80 years ago. These cases held that when a landowner had title and was in possession of his land, either actually or constructively, he did not need to bring any action against some party out of possession who claimed the land or an interest therein, and, therefore, the cause of action never accrued and the statute never began to run unless and until there was an invasion of the landowner's possession. This was based largely on the proposition that the title of a person in possession could not be converted into a cause of action which must be begun within a certain length of time else the right would be forefeited. This would be taking the property without due process of law. On the surface it would seem that the holder of the mineral interest could not plead the statute under this line of cases. But in recent years this court has established the proposition that the holder of a severed mineral interest has an estate in the land having the usual attributes of a fee simple estate. And since the alleged deed, so long as not set aside by the court, was sufficient to vest title; and since constructive possession, being purely a legal fiction or theory, follows title, the holder of the mineral deed had constructive possession of the property. The basis of the rule denying one out of possession the right to plead the statutes, as above mentioned, was absent and the holder of the mineral deed successfully pleaded the statute.

Before the severed mineral interest came into use in this state there was only one kind of possession of lands — that of the surface. The case law involving real property where possession affected the legal relations of the parties was based on surface possession insofar as actual possession of lands was concerned. Of course, where there is no actual posses-

sion, the owner of the legal title has constructive possession. Prior to the decision in the above mentioned case, involving the statute of limitations, there had been two previous cases somewhat to the same effect but *Neal v. Teat* was the first case which granted the right to plead the statute of limitations in actions concerning severed mineral interests by applying to the severed mineral interests the general rule that constructive possession follows title. But this was possible as a process of reasoning only because the court had previously held that possession of the surface was not adverse to the owner of the severed mineral estate. The case of *Neal v. Teat* is mentioned as being typical of the impact of oil and gas conveyancing on the law of real property with particular reference to possession.

For a case illustrating new questions arising out of the operation of oil and gas wells, the second grouping of cases mentioned above, I shall mention *Frost v. Gulf Refining Company,* 238 Miss. 775, 119 So. 2d 759 (1960). In that case the lease had the usual provision for a primary term of ten years and provided for its continuation "as long thereafter as either oil, gas, sulphur, or other mineral is produced in paying quantities." After the expiration of the primary term it was necessary to shut down the well for two periods of time for these reasons: (1) in order to take the necessary steps to seal off the previously producing interval of sand which was exhausted and perforate another sand that was indicated on the electric logs and cores when the well was first brought in; (2) in order to comply with the field rules and to get a permit for the production of the newly perforated sands. The rule was adopted that the court would give a reasonable construction to the question of when and under what circumstances cessation of production after the expiration of the primary term would terminate a mineral lease and that consideration would be given to the lease itself, the circumstances attending the cessation, and whether the cessation was a reasonable incident of the continued production of minerals. If the cessation of production is necessary for any reasonable and necessary purpose and is for a reasonable time only, it does not terminate the lease.

I have mentioned only two instances of new questions arising under the oil and gas law. As you know, there are many others which have been before the court, involving conveyances in general, the distinction between a mineral deed and a royalty conveyance, priorities, the effect of reservations and exceptions, the kind and quantity of minerals conveyed or reserved, implied rights, etc. Also cases involving the power of the state to regulate the production of oil and gas under the police powers of the State, implied covenants, and many others.

The next order of business was the presentation of the Report of the Mississippi Law Institute Committee by Mr. John A. Bellan, Jr. of Jackson.

President Lang then had the new members of the Junior Bar Section introduce themselves.

In commemoration of the twenty-fifth anniversary of the founding of the Junior Bar Section, President Lang called on Mr. Hugh N. Clayton of New Albany, the first Junior Bar President, who made the following remarks.

In 1936 the Honorable Frank E. Everett, Sr. was the president of the State Bar. We met in Greenville. Sam Long, who is here, was there then, and Sam, you will be surprised at what I will say in a minute because you are in the record, but anyhow, when the proposition came about trying to organize the Junior Bar in Mississippi several of us got together. I remember particularly Billy Wells, Lem Smith, John Satterfield and two or three others. We got together in my room in the Greenville Hotel, and we thought we would try to organize a Junior Bar. Judge Kimbrough, the dean of the law school, was for it; Mr. Everett, president of the State Bar was for it. So we were able to borrow a typewriter, and I typed up the rules and regulations establishing the Junior Bar as a committee, which it still is, of the Mississippi State Bar. You see, the Integrated Bar Act was passed in 1932. This was in the fourth year of this new legislation. I found a typewriter down there, we typed it up, and we knew we would have some opposition. We looked around for someone from what is now the Senior Bar who would introduce the resolution for us. Major Calvin Wells was quite active in it, a former president of the Mississippi State Bar, so we got Major Wells to introduce the resolution on the morning of the second day. We knew the idea was new; it was strange, and we felt that there might be some opposition, because it had been alleged at times that there is some politics within the framework of this organization. Of course I mean the entire group. So Major Wells introduced the resolution. The committee agreed that I would try to defend it first, and if I got winded, then John Satterfield would pick up. If neither he nor I succeeded, we had some members of the Senior Bar at that time who would defend the idea. Major Wells presented a resolution to organize a Junior Bar which is basically the same as we have here. All lawyers under the age of 36 would be members of the Junior Bar Section of the Mississippi State Bar, and then the Major presented the resolution and moved that it be adopted. A lively discussion, which appears at 9 *Mississippi Law Journal* 104 (1936), followed, after which the re-

solution was almost unanimously adopted. The entire Bar elected the officers.

Judge Everett, the outgoing president, made a statement as to what he hoped to achieve. Mr. Dave Crawley of Kosciusko, who took over after Mr. Frank Everett, spoke of what he hoped to achieve, and the Junior Bar had obtained the dignity with the *Law Journal* and the law school faculty. Anyway, we were able to have a statement of what we hoped to achieve, and we set out how we would function and we have functioned that way since. I never heard anybody say that this group has ever done anything more than be the genesis and the energy for most of the remedial steps which the State Bar has taken. It was contemplated that this would be a group where younger lawyers would feel free to discuss matters where they might not feel so free to do so at the full membership of the Mississippi State Bar.

Last year I made one observation that I had detected in the last two or three years — a feeling of separateness. Never must the members of this organization feel that his function is in this group and stops here; the State Bar embraces everybody, and the floor and the committees of the State Bar are open to members of the Junior Bar. That is how it started, and we have had twenty-five presidents, ending with Eaton Lang.

On behalf of the twenty-five presidents of the Junior Bar, it is my pleasure to present to Eaton, and he will in turn deliver to his successor, this gavel to be used. Inscribed on this gavel is "Junior Bar Section, Mississippi State Bar, Organized September 4, 1936."

President Lang recognized all the past presidents of the Junior Bar Section and displayed inscribed ashtrays as gifts for each one. Following is a list of the past presidents of the Junior Bar Section of the Mississippi State Bar.

1936—Hugh N. Clayton
1937—Jesse Graham (deceased)
1938—John C. Satterfield
1939—Charles A. Sisson
1940—George M. Ethridge, Jr.
1941—J. Morgan Stevens
1942—Frank Everett, Jr.
1943—Richard E. Stratton III
1944—Paul Parr (deceased)
1945—John W. Wade
1946—William N. Ethridge, Jr.
1947—James S. Eaton
1948—George Woodliff
1949—W. Arlington Jones
1950—E. Cage Brewer, Jr.
1951—Kenneth Franks
1952—Robert G. Nichols, Jr.
1953—Lampkin H. Butts
1954—Josh Morse III
1955—Charles B. Henley
1956—George Morse
1957—Jack Travis
1958—K. Hayes Callicutt
1959—James F. Noble, Jr.
1960—Eaton A. Lang, Jr.

President Lang then reported on the accomplishments of the past year.

Jerome B. Steen of Jackson was elected for the office of the Fifth Circuit representative on the Executive Committee of the Junior Bar Conference.

The next order of business was the election of officers. The following officers were duly elected:

Mr. E. C. Ward, Natchez, President

Mr. Frank A. Riley, Tupelo, Vice-President

Executive Committee:

Central District:
James C. Pittman, Jr., Greenwood
Malcolm T. Yawn, Fulton

Northern District:
John A. Bellan, Jr., Jackson
William Swan Yerger, Jackson

Southern District:
Martin T. Smith, Poplarville
Alfred P. Statham, McComb

The Twenty-Fifth Annual Meeting of the Junior Bar Section was then adjourned *sine die*.

APPENDIX A

COMMITTEE REPORTS — SENIOR BAR

REPORT OF THE MISSISSIPPI SECTION OF THE ADVISORY COMMITTEE OF THE SOUTHEAST REGIONAL MEETING OF THE AMERICAN BAR ASSOCIATION

The members of the Mississippi Section of the Advisory Committee of the Southeast Regional Meeting of the American Bar Association, by appointment of President David Cottrell, Jr. under date of January 9, 1961, submit the following report:

As already known, the Southeast Regional Meeting of the American Bar Association is to be held at Birmingham, Alabama on November 9-11, 1961, with the Tutwiler Hotel as headquarters. President Cottrell, having been notified by Mr. Clopper Almon, President of the Alabama State Bar, that Mississippi was expected to be co-sponsor of the meeting with the Alabama State Bar, thereupon appointed the undersigned for the Mississippi Section. Accordingly, on January 20, the majority of our Section met with the members of the ABA group at the Tutwiler Hotel to formulate preliminary plans for the forthcoming meeting. The program thus outlined there is sufficient warrant for the undersigned to assure you that the subjects, the speakers, the sections, and the events will afford a thoroughly informative and entertaining weekend for every member of our Bar.

Because this meeting will be the first one for any region after our fellow Mississippian, John C. Satterfield, has been installed as the President of the American Bar Association, the Mississippi State Bar is giving a reception in his honor on Friday evening, November 10, at the said Tutwiler Hotel. Each member is cordially invited to this event in behalf of our fellow member, the first Mississippian ever to be honored by election to this high office.

We trust that each member of our Bar will note on his or her calendar the dates of November 9-11, 1961, as a "must" for attendance at the forthcoming Regional Meeting at Birmingham.

REPORT OF THE SPECIAL COMMITTEE APPOINTED TO INQUIRE INTO CONDITIONS RELATIVE TO ATTORNEY REFEREES FOR THE MISSISSIPPI WORKMEN'S COMPENSATION COMMISSION AND COURT REPORTERS

The special committee of the Mississippi State Bar, appointed by the President to inquire into conditions relative to attorney referees for the Mississippi Workmen's Compensation Commission and court reporters, held two meetings, the first on March 31, 1961, and the second on June 9, 1961, at the offices of the Mississippi Workmen's Compensation Commission, Jackson, Mississippi.

Present at the first meeting were: Chairman Dixon L. Pyles, H. C. "Mike" Watkins, Gene Wilkinson, Dan McCullen, Dan Shell and Ed Kemp, committee members; Mr. Ralph Godwin of the Mississippi Court Reporters Association; Professor R. W. Griffith, Dr. E. A. Jobe, Mr. B. L. Hill of Mississippi State Department of Education; and Hon. John Craig, chairman, Hon. Sam Allred, Commissioner, Hon. Claude I. Bruton, Commissioner, Hon. J. T. Hill, Attorney Referee, Hon. Royce White, Attorney Referee, Hon. Bobby O'Barr, Attorney Referee, representing the Mississippi Workmen's Compensation Commission. At the second meeting of the committee the following members were present: Dixon L. Pyles, chairman, Dan McCullen, H. C. "Mike" Watkins, Dan Shell, Gene Wilkinson and Ed Kemp. The matters properly be-

fore this committee were assigned to sub-committees for investigations and reports after the first meeting of the committee.

The reports of the sub-committees, composed of Dan Shell working closely with the representatives of the Board of Education and reporting on the matters pertaining to court reporters and H. C. "Mike" Watkins reporting on the activities and needs of attorney referees, are included herein and are adopted as a major portion of the report of the full committee.

The report herein is set out in two parts, the first deals with the attorney referee portion of the investigation and the second deals with those things concerning court reporters.

PART I

Information obtained reflected that each of the present three attorney referees were being assigned an average of ten cases per week, which is an impossible number for prompt disposition. It was established that the trial of three cases per week would be a full work week. Of course, from the assignment of the ten cases per week a large portion of these cases would be continued, settled, or otherwise recessed or held over, yet in each case would appear also the responsibility of the attorney referee to hande the necessary correspondence, and/or paper work attendant upon each case, whether the same be tried or not.

In order to more adequately reflect the duties of the referee, it is considered that it would be well to summarize the total payments of workmen's compensation and medical expenses for the calendar year 1960 in order that a proper perspective may be obtained. The total compensation and medical expenses paid for the calendar year, as reported to the Commission, was in the sum of $8,371,618.98. Of this sum there was paid by insurers the sum of $5,087,344.37 in compensation, and there was paid by self-insurers compensation in the sum of $392,734.75. Total medical expenses paid by insurance companies was in the sum of $2,652,975.30, while total medical expenses paid by self-insurers was in amount of $238,564.56. It must be remembered that the bulk of the above expenditures was paid out in cases which were never controverted, and thus were never in any respect handled by any attorney referee.

During the calendar year 1960 there was a total of 747 cases that were controverted. (This number would unquestionably have been greater, except that the Commission instituted certain new rules of procedure, as a result of which no cases were placed in a controverted status for a period of 23 days.) Of the cases controverted in 1960 and those on which hearings were held which had been controverted prior thereto, there was scheduled a total of 1,730 hearings. It is apparent, of course, that a very large percentage of these hearings were continued or cancelled for one reason or another and other hearings scheduled in the place of those that were so continued. However, it is known that there was actually conducted by attorney referees a total of 720 hearings. It is not known and cannot be ascertained how many other hearings of some nature were conducted and in how many instances the attorney referee appeared for a hearing but was advised at that time that the parties had reached an agreement, thus obviating the necessity of a hearing.

During the calendar year 1960, attorney referees with the Mississippi Workmen's Compensation Commission issued a total of 334 orders. Some of these orders, of course, were on motions; however, the bulk of which were final orders. Of this number of orders issued by the referees in 1960, there were 34 making disposition of claims for death benefits, and it is conservatively calculated that a like number dealt with cases wherein maximum benefits of another nature were involved. Of the balance, no accurate estimation of the amount of money involved can be obtained

without an exhaustive study, which would require many man-hours not available for reasons obvious herein.

All attorney referees are located in Jackson, Mississippi, and must travel to and from Jackson to all parts of the state in order to conduct the aforementioned hearings; during the calendar year 1960 the referees traveled a total of 62,322 miles for this purpose. This travel was reimbursed at the rate of seven cents per mile (the statutory amount allowed all state employees who use their own vehicles on business of the state). An allowance for the subsistence of Commission employees was made, while out of town on Commission business, in the amount of $4 per day or $8 if away overnight. This allowance applied during the greater portion of the calendar year 1960, but was increased during the latter part of the year to $10 per day for days on which employees were out overnight.

In addition to the above outlined work of the attorney referees, it must be remembered that a rather extensive volume of correspondence is necessary and that it is the duty of the referees to process all claims for witness fees, sheriffs' fees and to handle the files assigned for hearing and final disposition.

The committee recommends to the Mississippi State Bar that it supports legislation increasing the number of attorney referees from three to five and recommends an increase in salary commensurate with their work load and responsibilities.

Part II

The committee learned from Mr. Godwin that he has previously held the position of Secretary-Treasurer of the Mississippi Court Reporters Association. The association is no longer active. There were thirty-eight (38) court reporters of the Circuit and Chancery Court Districts of the State of Mississippi. These formed the nucleus of the Mississippi Court Reporters Association. The association has had no official meeting for the past four years.

In 1946 Chancery Court Reporters were paid a straight salary of $65 per week while court was scheduled to be in session. Subsequently, this was raised to $75 and later to $100 per week, during those weeks in which court was scheduled. Some districts have eighteen to twenty weeks of scheduled court per year. Other districts have longer sessions, including Hinds, which has forty-seven weeks. During the course of events, a salary raise was made to a flat $4,800 per year. Later this was raised to $6,000 per year for districts having forty-one or more weeks. During the 1960 session of the legislature, this was amended so that those districts having thirty weeks or more, would be paid a salary of $6,000 and those having under thirty weeks would be paid a salary of $4,800.

Significant facts brought out included the fact that the average age of court reporters was estimated to be sixty years. Mr. Godwin stated that as the court reporters would retire in Mississippi, the judges began getting secretaries out of law offices to serve as court reporters.

With reference to the county reporters, these reporters are paid a salary of not less than $250 per month nor more than $350 per month, except in those counties on the Mississippi Gulf Coast and those counties having a population of 80,000 persons or more wherein such court reporter may be paid a monthly salary of $400. This salary is paid by the Board of Supervisors of the county. Since these reporters did not come within the purview of the general law, they were not members of the Court Reporters Association of the State of Mississippi.

Mr. Godwin pointed out that there are no facilities designed to train court reporters. There is no effort being made to present court reporting as an occupation to either high school or college students.

The committee investigated the matter of the compensation obtained by independent court reporters. It was agreed that the two prime qualifications for a good court reporter are (1) good general education and (2) speed.

Mr. Godwin stated that several years ago he had attempted to get Hinds Junior College interested in setting up a stenotype course but was unsuccessful. Mr. Godwin feels that stenotype reporting is considered the most acceptable system of all. This is a standardized system, can be read and transcribed by many persons even though they are not able to take the reporting.

Writer's cramps is one of the principal problems which a present day court reporter has to face. There is no school for stenotype in Mississippi. The closest place where such instruction can presently be obtained is Birmingham or Atlanta.

The stenotype machine, the book for instructions, together with the tape necessary to learn the operation of the machine would cost approximately $150. This type of court reporting or acceptance of dication is not favored by business schools because of the cost of the equipment and the time required to become proficient in the use of the stenotype machine. It has been estimated that the minimum time in this connection would be nine months.

In response to a committee member's inquiry, it was determined that the principal problem with reference to the use of stenotype is that of training. It was agreed that the educational standards necessary to qualify an individual to take a course in stenotype work would be a minimum of a high school education. The inquiry and general discussion which followed led to the conclusion that the commercial colleges in our areas are reluctant to institute the stenotype instructions because of the difficulty of getting an instructor and because of the further difficulty of the extremely high cost.

The committee then inquired as to the best plan to begin to interest students in this type of work. It was agreed that all of this was primarily a process of education and that most people did not distinguish between court reporters and stenographers. Mr. Godwin pointed up again very strongly that court reporting is an occupation of its own.

Mr. B. L. Hill of the Mississippi State Department of Education stated that in career days and discussions about career work among high school students at this time, they never mentioned court reporting. He agreed that it was a very small percentage of high school students who even knew that such an occupation existed. It was further discussed that no aptitude tests have yet been developed for this type of work.

The Chairman of the Mississippi Workmen's Compensation Commission stated that one of the biggest problems in obtaining new secretaries help with the ultimate hope of putting them out to taking down the testimony as court reporters had been the problem of getting someone into the office who can write and spell and has the willingness to try. It was further agreed that additional qualifications for this type of work included good steady nerves, together with a willingness to learn and to work. Of course, if a stenotype machine education cannot be obtained, the next best choice was that of a comprehensive and intensive shorthand course.

Professor R. W. Griffith, whose work is in the high school area of the State Department of Education, stated that it had not occurred to him to consider court reporting as a vocation. He manifested interest in the program and stated that the high schools could begin bringing the occupation of court reporting to the attention of graduating students. Mr. Griffith suggested that he could formulate a communication and send to all school administrators with the request and the suggestion that it be passed on to teachers of commercial courses so that the

information will reach the hands of the students. Possibilities here could be used to place greater emphasis on proficiency in the teaching of secretarial science.

Through the cooperation and efforts of Professor R. W. Griffith the following paragraph was included in the State Superintendent's letter dated May 4, 1961, published by the State Department of Education and sent to all school administrators of Mississippi.

COURT REPORTERS NEEDED

Representatives from the State Department of Education and the junior and senior colleges met recently with a committee of the Mississippi Bar Association to hear discussions on the need for court reporters. We suggest that this matter be called to the attention of students in the commercial departments. Some young man or woman might be interested in beginning now a program of preparation looking toward a career as a court reporter.

Mr. Claude I. Bruton suggested to the committee that there should be emphasis placed on proficiency in typing, background grammar, punctuation, and basic shorthand. Chairman Pyles suggested to Mr. Griffith that the high schools might consider giving intensified training in office management and filing.

Mr. B. L. Hill, a representative of the State Department of Education at the junior college level, was in agreement that emphasis should be placed upon the inducement. He pointed out that insofar as stenotypes are concerned, the problem is not so much getting the machines as it is getting a competent instructor. He stated that there would be a meeting of Junior College Administrators on April 17, 1961, and he would present the problem to them at that time. He suggested that if it could be worked into the program so as to ask members of the committee to be present and present the problem and the opportunity which the field offered, he would request a member of the committee to be present. Mr. Hill suggested that a course of instruction in these categories could be a vocational course and the Junior College Department has funds to develop the course. It may even be extended into an adult education class. Chairman Pyles requested Mr. Hill to study the matter and make a written report to the committee of his proposals to establish a course.

In the area of the senior colleges, Dr. E. R. Jobe suggested a possibility of arranging a night course in stenotype at the University-Millsaps Center in Jackson. It was agreed that it would be difficult to interest young men at this time because of the fact that men do not take stenographic training generally and because of the pressures which are presently being exerted to encourage men to go into the sciences. Dr. Jobe was doubtful that there would be much success at the senior college level because of the emphasis there being placed on sales, banking and other occupations and professions.

Subsequently, Mr. Hill has reported that Hinds Junior College will be ready to offer the course in stenotype in September, 1961. The school is buying stenotype machines and Mr. Robert M. Mayo, Executive Assistant to the President of Hinds Junior College, has done quite a bit of work on the project. He is presently making inquiries of other schools offering the course and, as anticipated, his main problem has been finding an instructor. Mr. Hill suggested that we might talk with Mr. Mayo, who will need additional details as to the type of instruction.

Mr. Hill further stated that Perkinston Junior College has expressed an interest in the program. The committee recommends the appointment of someone conversant with the particular problem to contact Mr. Mayo and to offer the assistance of the Bar Association in his work. The committee further recommends letters to the State Department of Education to continue to point up to them the importance of informing high school and junior college students of this program and specifically

to contact the president of Perkinston Junior College and other junior colleges in an effort to encourage them to institute a course of instruction in this field.

REPORT OF THE COMMITTEE ON BAR ADMISSIONS

This special Committee, appointed by the President, is composed of W. Calvin Wells, Jr., Moran M. Pope, Jr. and Hugh N. Clayton, Chairman. At the request of representatives of the American Bar Association, a study was made of the diploma privilege accorded graduates of the School of Law of the University of Mississippi by virtue of Section 8663 of the Mississippi Code of 1942, Annotated. The Committee has studied the reasons assigned by those requesting study but does not feel that these reasons are valid or apply to Mississippi. The peculiar situation in this State, the Committee believes, justifies the continuation of this diploma privilege.

One of the reasons assigned by those who felt the diploma privilege should be abolished was it did not afford sufficient inquiry into the moral character of the graduate being admitted to the Bar upon presentation of his diploma. The Committee has reviewed the statutes governing admissions to the Bar by diploma and by examination as they relate to moral character, Sections 8663 and 8655 of the Mississippi Code of 1942, Annotated. It is the considered opinion of the Committee that the statutory mechanics for inquiry into the moral character of *all* persons seeking admission to the Bar should be strengthened.

The faculty of the University of Mississippi Law School has stated that it would be satisfactory if such mechanics of inquiry would include graduates of the Law School and would precede their admission to the Bar upon presentation of the diploma. In view of this attitude, the Committee recommends to the incoming Administration of the Mississippi State Bar that a study be made covering investigations of moral character of *all* persons being admitted to the Bar, by whatever means are presently available. The Committe strongly urges this special study and the enactment of appropriate legislation to attain the desired result.

REPORT OF THE COMPLAINTS COMMITTEE

The Complaints Committee has received four formal complaints which were reported to the Board of Bar Commissioners for consideration.

REPORT OF THE CONSTITUTIONAL LAW COMMITTEE

Your Committee makes this report to the 1961 regular meeting of the Mississippi State Bar with their recommendations:

The Committee has determined that there are comparatively few states which have Constitutional Law Committees and in view of the increasing number of cases being presented to the courts of the nation, State and Federal, dealing with constitutional questions, the Bar Association of each State should be encouraged by the Mississippi State Bar to establish a Constitutional Law Committee.

Too many long established, highly respected landmark decisions of the Supreme Court of the United States have been too frequently overruled, reversed, modified or changed, which has resulted in frequent departures from precedent and established constitutional interpretation.

Each member of the Mississippi State Bar should acquaint himself more thoroughly with the Constitution of the United States and keep abreast of all decisions

of the United States Supreme Court dealing with constitutional questions so that he can more ably use his influence to bring about a return to observance of true constitutional principles and restore stablity of decisions in this field of the law.

Your Committee recommends that the next president of the Mississippi State Bar continue the Constitutional Law Committee and that he appoint thereon such lawyers as he thinks can best serve the association and its members in the coming year.

REPORT OF COMMITTEE ON CORPORATIONS, BANKS, BANKING AND BUSINESS LAW

A revision of the corporation code of Mississippi requires work beyond that contemplated when your Committee was named. The conclusion has been reached that the "Model Business Corporation Act" probably furnishes the best basis for a new corporation act for Mississippi; but the use thereof would require extensive study to correlate that which we have with the new and to avoid possible harm to existing jurisprudence on the subject in Mississippi.

Through a number of years committees of the American Bar Association and the American Bar Foundation, in the nature of a joint venture, have analyzed business corporation acts of all of the states, the District of Columbia and Puerto Rico. The Model Act above mentioned has already had considerable influence on American corporation law, and it constitutes the basis for new acts of Wisconsin, Oregon, the District of Columbia, Texas, North Carolina, Virginia, North Dakota, Colorado and Iowa. Maryland, Connecticut and Alabama have used it in parts. Major law book companies have freely given of time of their staff members in connection therewith. (As research project of the American Bar Foundation edited by Committee on Corporate Laws, Section Committee on Corporation, Banking and Business Law of the American Bar Association, West Publishing Company has published a three volume work entitled "Model Business Corporation Act Annotated".) The American Bar Foundation has furnished complimentary copies of this new publication to members of The Fellows of the American Bar Foundation and the Mississippi State Bar obtained copy for use of your committee.

The foregoing statement is made to justify in part the background for the thinking of your committee that the Model Act would probably do more and best by Mississippi, business interests and lawyers alike, because there exists case law to support and interpret the several parts of the act itself all set out in the three volume publication.

On your committee are two public officials who are lawyers. The Honorable Martin R. McLendon is Assistant Attorney General of Mississippi having primary duties in the field of corporate laws, and the Honorable J. V. Carr in charge of the corporate business of the Office of the Secretary of State is a capable lawyer in his own right, and probably with more knowledge of corporate movements in Mississippi than any other person. They have greatly added to the committee as a whole, and other committeemen are grateful to these men for their assistance.

Your committee recommends that this committee with the same membership or others as your new President may elect, should continue the study and try to make possible the presentation of an appropriate cover-all corporation act for consideration of the Legislature of Mississippi when it convenes in January of 1962. We do think and believe that the Model Act should constitute the pattern to be followed with some alterations to fit the needs of Mississippi and to correlate with other

laws not to be changed, and that the work begun may be completed without too much yet to be done for submission of what we believe Mississippi needs in a revision or change of its corporation laws. If there is to be a new committee, we recommend that Mr. Carr, Mr. McLendon and the Honorable R. H. Thompson of the Hinds County Bar be retained on the committee.

REPORT OF THE CRIMINAL LAW COMMITTEE

The Committee was divided into three sections in order to expedite excessive travel by the various members, and as a result of our meetings and discussions it is the opinion of the committee that our criminal law and procedure is antiquated and inadequate in many respects and necessitates numerous changes. For example, the criminal law has failed to recognize the advancements of science pertaining to human behavior, and fails to recognize medical problems and attempts to treat them by law.

Deep consideration has been given to the adoption of a uniform criminal code similar to the one prepared by the American Law Institute which would not only streamline the practice considerably, but be more in keeping with the modern thought of protecting society by the prevention and treatment of crime and criminals. In addition, more attention should be directed to the treatment and rehabilitation of the offender, even to the extent of permanent segregation from society, if necessary.

Please be assured that while this report is very brief and incomplete, our committee has made considerable headway and in realization that the over-all program is quite broad it is believed that we should walk before running, and it is hoped that great accomplishments will be had in the very near future. Though a considerable portion of our proposals and over-all program could possibly be submitted to the State Bar Association at its convention in Biloxi in June of this year, it is believed that by next year, after we have had the opportunity of conducting further research, our complete program will be in readiness to be submitted to the State Bar for its approval and then the state legislature, in order to bring about the necessary changes.

The New Orleans Criminal Bar was quite generous in extending the chairman an invitation to appear there, and it is believed that their problems are similar to ours. It is hoped that we will have their cooperation and the cooperation of other states in adopting a uniform code of criminal procedure, which is and has been proposed on a national level for some time.

It is recommended that further study be conducted in this phase of our profession, with the idea of having the principles of law conform to the findings of science, with the ultimate aim of protecting society through the prevention and treatment of crime.

REPORT OF ETHICS COMMITTEE

The Ethics Committee submits its report and makes the following recommendations:

1. That the program of legal ethics should be approached on the basis of a thorough preventive program by giving due publicity to the high standards of members of the bar and encouraging lawyers to continue such standards by emulating the example of the lawyers who have preceded us.

2. Request the Junior Bar Section have at least one course on ethics in the Young Lawyers Seminar.
3. Encourage young lawyers to consult with their Chancellor or some older member of the bar when they have a problem involving legal ethics.
4. Encourage a strong program on Legal Ethics in our law schools, including the teaching of a course on Legal Ethics.
5. Encourage the Board of Bar Admissions to check more thoroughly the applicants for admission to the bar.
6. Give greater emphasis to legal ethics in local, regional and State Bar Association programs in order to cause the members of the bar to be more conscious of their duty to observe the high standard of legal ethics.
7. Develop a stronger Public Relations program, including publicity on the duty of lawyers to their client, the court, and the public.
8. Print and distribute to all lawyers suitable for framing a copy of the oath of the attorney.

REPORT OF THE JUDICIAL ADMINISTRATION COMMITTEE

On November 3, 1960, at the King Edward Hotel, Parlor 1101, the Judicial Administration Committee met at 10 o'clock a.m. Present were Judge Tom P. Brady, Chairman, Judge Robert G. Gillespie, Attorney General Joe T. Patterson, Judge Goode Montgomery, Honorable J. D. Doty and Honorable Gordon Roach.

The meeting was called to order by Chairman Tom P. Brady, and Judge Gillespie discussed at length the hiatus and defects in the law as it now exists in the appeal of criminal cases to the United States Supreme Court. He stated that due to the existing law and customs, the defendant is out on bond in many instances, and that the appeal has been prolonged in some instances for three and one-half years. Attorney General Patterson advised that in his opinion, statutes should be passed allowing a fifteen day period in which to appeal, and that bond should be taken and that upon the failure to perfect the appeal, or upon the dismissal of said appeal, the sherriff should be compelled to pick up the defendant.

Honorable J. D. Doty then offered the following resolution:

"Resolved that the chair appoint a committee to draft a proposed statutory amendment to the state statutes relating to the 15 day period allowed defendants in which to appeal criminal cases, and that any improvements which can be made be embodied in the drafting of the proposed amendment."

This motion was seconded by Honorable Gordon Roach, and upon being submitted to a vote, was unanimously carried. Whereupon, the chair appointed Attorney General Joe T. Patterson, Honorable J. D. Doty and Honorable Gordon Roach to constitute said committee, and requested that they prepare the proposed statutory amendment. It is the understanding of the chairman that said proposed statutory amendment has been prepared and will be submitted to the Study Committee of the Mississippi State Bar for its approval and for submission to the membership of the Mississippi State Bar at its next meeting for adoption.

Mr. Doty next discussed the concerted efforts which are being made by petitions from the Board of Supervisors, asking for the pretermitting of court terms, and recommended that the judges be urged to hold the prerequisite terms of court in accordance with the statutory provisions. This was not brought before the committee in the form of a motion, and no other action was taken thereon.

Judge Goode Montgomery complained of inadequate court houses and court

rooms for consultation and for handling the court's business, and suggested that steps should be taken by the next State Bar to see that clean and adequate conference rooms are provided. He stated that he realized that it was a budget matter, but that the Bar Association could urge the legislature to make provisions so that these objectives could be accomplished.

Attorney General Patterson recommended to the committee that the statutes which now restrict the Circuit Courts to court terms in which to dispose of pleadings and to hold trials, be studied closely with the object of amending the existing laws so that the Circuit Courts would in fact operate similarly to the Chancery Courts. Attorney General Patterson then offered his suggestion in the form of a motion in substantially the same language. Mr. Roach asked that he be permitted to amend said motion and to allow the chair to designate and appoint a committee to handle this matter. Attorney General Patterson accepted the amendment and seconded the amendment. Whereupon, Mr. Roach seconded the original motion of Mr. Patterson. After full discussion, said motion as amended was presented to the committee, and upon being submitted to a vote, was unanimously carried. The chair thereupon appointed Honorable J. D. Doty, Attorney General Joe T. Patterson and Honorable Gordon Roach to serve on this committee and to review the proposed statute, and after approving the same, to submit it to the members of the Mississippi State Bar for adoption. All of these proposed statutory amendments, the chair is advised, have been or will be prepared so that all members of the Mississippi State Bar will be furnished with copies thereof in order that they may be familiar with them and be in a position to accept or reject them when submitted to the next meeting of the Mississippi State Bar.

REPORT OF COMMITTEE ON JUVENILE COURT PRACTICE AND PROCEDURE AND JUVENILE WELFARE

The Youth Court Act of 1946 and prior laws have been carefully studied by your committee. In our opinion we now have an excellent law, but its proper application is experiencing difficulties due in a large measure to a combination of the following three major causes:

1. Lack of understanding generally of the philosophy of this type of court;
2. Inadequate physical facilities and financial assistance being made available to the Courts; and
3. Insufficiently trained personnel in adequate numbers.

Original jurisdiction is placed in the Youth Court of all children under 18 years of age, except those specifically excluded by the Act, such as those charged with an offense punishable by death or life imprisonment. Many are of the opinion that this is much too great an assignment to be given the Chancery and County courts as additional duties.

Our study indicates that very few lawyers and too few judges have made any study of the Juvenile Court philosophy or of our Youth Court laws in Mississippi. It appears to be very difficult for the lawyer, the judge, the law enforcement officer or the average citizen to understand that this is a Court with the specific purpose of protecting, caring for and rehabilitating children who may be found in trouble. It is not designed as a criminal court for punishing and penalizing. Provisions are in the Act to transfer from the Youth Court to the courts of proper jurisdiction for *trials* for those children found upon investigation to have criminal tendencies.

The Youth Court Act provides for *civil* proceedings *in the interest* of

the child, rather than criminal proceedings *against* the child in trouble. Our law defines neglect and delinquency, then sets forth a plan for the handling of any child under eighteen who may be adjudicated to be neglected or delinquent. Our study further reveals that the judges, lawyers, law enforcement officers and the average citizen have little or no conception of the proper procedure in bringing a child to the attention of the Youth Court.

The State Bar and the Mississippi Council of Youth Court Judges, Incorporated, in October 1960, jointly sponsored the Second Annual Institute for Mississippi Youth Court judges. All of the District and County Attorneys, Referees and Youth Court Counselors were invited. The purpose of the Institute included a study of the 1946 Youth Court Act with emphasis on the philosophy of the Juvenile Court and its relationship to Mississippi's court system, seeking implementation of the doctrine of *parens patriae*. This doctrine is now well rooted in our system of government.

The first juvenile court was established in Cook County, Illinois, during 1899. Dean Roscoe Pound says that this entirely American part of jurisprudence is the greatest addition since the Magna Carta. This new type of court, operating on social as well as legal principles, has now spread to all the fifty states and throughout the world.

Prior to the creation of the juvenile courts, the criminal laws and penalties applied in general to children as well as to adults. The juvenile court movement is one of the results of public reaction to the injustice of applying extreme penalties of the criminal laws to the children caught violating these laws so often as a result of adult failures rather than children's faults.

The first juvenile court law in Mississippi was enacted by the legislature in 1916 creating a reformatory school and providing for separation of children from adults. This act was held constitutional in the celebrated case of *Bryant v. Brown* 151 Miss. 398, 118 So. 184. The next major legislative act was in 1940. All of the foregoing were repealed by the Youth Court Act of 1946. It will be noted that the 1946 Act repealed all laws in conflict therewith. The 1946 Act was held constitutional in *Wheeler v. Shoemake,* 213 Miss. 374, 47 So. 2d 267.

It is interesting to note the change in philosophy from the "reformatory" school of the 1916 Act to the State Training School idea of the 1946 Act. In its wisdom the legislature conformed more to the generally accepted doctrine of *parens patriae* by providing in the 1946 Act that only those children adjudicated as delinquent were to be committed to the Training Schools, and then for such period, not beyond attaining the 20th birth date, as the superintendent of the Training School, acting under the rules and regulations as prescribed by the Trustees of said institutions, should deem to the best interest of the particular child. The superintendent determines when the Training School program has had sufficient time to reach its optimum benefit to the particular child and may then parole the child. If the Training Schools are to be considered as prisons, the legislature must enact further statutes and repeal some now on the books. The fallacy that the legislature or any judge can pre-determine that a child can be rehabilitated in five days, five months, five years or any specified amount of time is realistically met as the law now exists.

The members of your reporting committee are thoroughly convinced from our study that much can be accomplished. If the members of the State Bar can grasp the vision of the potential service they can render to children in trouble and unite with the appellate courts and those of original jurisdiction, the compilation of uniform rules of procedure and practice can be expedited and used in every Youth Court in the state. By the use of such practice and procedure the children will be the recipients of more intelligent and adequate assistance and the courts will be

more efficient in controlling the system for the benefit of all concerned.

In this report we will attempt to do no more than outline what we consider to be a program that will implement our laws in protecting children who may be found to be in trouble, and we would like to give the following outline for study by such committee or committees as may be appointed by the President of the Mississippi State Bar:

1. An analysis and outline of the Youth Court Act.
2. Codifying all laws pertaining to welfare of children.
3. Rules of Practices and Procedure.
   (a) Intake
   (b) Detention
   (c) Foster Home Care
   (d) Shelter Home Care
4. Handling of neglect cases.
   (a) Law enforcement officers
   (b) Intake officer for Youth Court
   (c) Ordinary neglect
   (d) Non-support neglect
5. Delinquent cases.
   (a) Cases that should be reported by law enforcement officers to the Court
   (b) Due process
   (c) Children who should be detained
   (d) Child should not be detained except upon order of the Court
6. A Hearing and Disposition of cases.
7. Supervision of children and families.
8. Training School and Parole.
9. Boarding schools and other resources.
10. Youth Court Counsellors and/or Welfare Workers.
11. District and County Attorneys and other potential investigators.

The foregoing is a partial outline of what is considered to be necessary in the development of a manual or guide of practice and procedure to be used by everyone interested in a program to help children.

We want to express our appreciation to the President for his wisdom in recognizing this as one of the problems needing the attention and more active support of the State Bar.

We recommend that further study be continued in this area and that the Mississippi Council of Youth Court Judges, Incorporated, be encouraged to continue their work in sponsoring institutes to train personnel for the Youth Courts and to assist the judges and lawyers to have a keener understanding of the philosophy of the juvenile court movement, to the end that all may aid in preventing neglect of children and to rehabilitate those children who may be found to be delinquent.

REPORT OF THE LABOR RELATIONS COMMITTEE

This is a new committee created and appointed by the present administration.

The committee found that a major part of the law practice in the field of labor law in our state was being handled by attorneys from without our state, and all too few attorneys in our state knew even rudimentary labor law, and only very, very few were qualified to properly represent clients in the matter of elections to determine if a union would be the bargaining agent for employees and at the bargaining table.

We broke the ice with a one day seminar on parts of the National Labor Relations Act at the University of Mississippi in conjunction with the Law School on March 8, 1961. To this we invited union officials and organizers and personnel directors. It was well attended, far beyond the expectations of our committee. Thanks to the efforts of Arthur Sullivan, Dixon Pyles, and John Gregg, we had a superior program at the seminar, and it was enthusiastically received.

We recommend that another such seminar be held during the next year, either alone or in conjunction with seminars in other major fields of law.

We wish to express our appreciation to our Association Office, our Bar Commissioners, our President, and the Dean and faculty of the Law School for their support and cooperation, without which our committee would have failed in its assignment.

REPORT OF THE LAW DAY U.S.A. COMMITTEE

Through the efforts of the members of our Mississippi State Bar, and the fine help of persons and organizations cooperating with us, your committee feels that the Law Day U. S. A. program in 1961 was a successful one. Our goal was to bring to the attention of our citizens the vital part played by our laws. the judiciary and attorneys in maintaining our democratic system of government, and in asserting our rights as citizens.

Governor Barnett, the Mayor Allen Thompson of Jackson, and mayors of innumerable other cities and towns in Mississippi officially proclaimed May 1st as Law Day U. S. A.

The Outdoor Advertising Association of Mississippi, Inc., offered free of charge one hundred large sized billboards throughout Mississippi. Your committee was able to secure from the American Bar Association sixty large posters, which were strategically placed by the Outdoor Advertising Association.

Mr. Leigh Watkins of the Mississippi Bankers Association wrote to each bank in Mississippi, enclosing a small Law Day poster. On May 1st our Law Day poster was prominently displayed in each of the 225 banks and branch banks in Mississippi. Mr. Shouphie Habeeb, President of the Mississippi Savings & Loan League, requested and secured the cooperation of each of the forty Savings & Loan Associations in Mississippi in displaying a Law Day poster on May 1st.

The Mississippi Library Commission wrote each of its seventy-five administrative units throughout the state, and sent each such unit a poster and a number of bookmarks which we had printed for distribution. Also, each of the libraries arranged a special display of books pertaining to our constitution, prominent judges and attorneys, and other subjects relating to the field of law. Mrs. Lura Gibbons Currier. Director of the Mississippi Library Commission, and the unit librarians, expended considerable time and effort in this connection.

Each of the forty-eight Business and Professional Women's Clubs in Mississippi was requested to plan a program in conjunction with Law Day, and an article was prepared for their magazine, *Mississippi Business Woman*. The District Governors' monthly report letter of Rotary International requested each club to present a program on or about May 1st dealing with some aspect of the field of law. A public announcement to the same effect was made to the District Meeting in April. A letter was written to each of the 250 Lions clubs in Mississippi requesting a Law Day program, and an article to the same effect was published in the April issue of the *Magnolia Lion*. Each of the sixty-two Civitan Clubs in Mississippi was written and requested to present a Law Day program. An article concerning the program ap-

peared in the April issue of the Civitan publication. The Kiwanis' District Bulletin published our article on Law Day in the April edition. Each of the thirty-seven Kiwanis clubs throughout Mississippi was written and requested to have a program dealing with some aspect of law. Your committee is unable to determine the number of programs by civic clubs in response to our request, but many lawyers over the state report making speeches and showing films to these clubs.

Each judge in Mississippi, state and federal, was written and requested to cooperate in the program. We have been advised of a number of fine talks made by our judges to civic clubs, schools and high school seniors. In a number of instances, appropriate ceremonies were held in courts on May 1st, commemorating Law Day. Each chancery clerk, sheriff and circuit clerk in Mississippi displayed in his office on May 1st, and the week prior thereto, a Law Day U.S.A. poster.

We requested each chancery clerk in Mississippi to hold open house on or about May 1st for the high school seniors in his county, and suggested that the students be taken on a tour of the court house, including the court rooms, the chancery clerk's office and circuit clerk's office and the sheriff's office. We are advised that a number of the chancery clerks were able to entertain the students as requested and that all concerned were most enthusiastic about the program. We have received reports from the following chancery clerks:

Mrs. Edith Harpole, Chancery Clerk of Attala County, entertained approximately 140 students; Circuit Judge Marshall Perry gave the students an interesting lecture on our laws and their enforcement.

Mr. Wilbur G. Dees, Chancery Clerk of Jackson County, held a reception, but did not specify the number of students attending.

O. S. Gillis, Jr., Chancery Clerk of Jefferson County, had open house for thirty-five high school seniors and members of the local bar.

W. H. Nelson, Chancery Clerk of Lawrence County, did not disclose the number of students attending his open house; Chancellor J. N. Patterson spoke to the group and the local bar assisted in the tour of the courthouse.

Mrs. Betty Hammett, Chancery Clerk of Leflore County, held open house for 25 students from the Leflore County High Schol and for more than 100 students from the Greenwood schools. The local bar participated in the program.

Mr. Haran R. Young, Chancery Clerk of Monroe County, entertained a total of 263 students, 97 from Amory, 60 from Aberdeen, 33 from Hatley, 38 from Nettleton, 17 from Smithville and 18 from Hamilton. Assisting in the program were all the county officials, the state senator, three state representatives, each member of the bar association and Judge Allen Cox. Each attorney was assigned a particular subject for discussion. After a luncheon for all students, a tour was made of the Federal Court Building. Mr. Young reports that the program was most successful, and praises the fine cooperation of all officials and members of the County Bar Association.

Mr. C. V. Adams, Chancery Clerk of Noxubee County, entertained sixty seniors from the high schools of Macon, Brooksville and Shuqualak.

Mr. N. C. Rouse, Chancery Clerk of Pearl River County, had eighty seniors attending open house. Mr. J. B. Mayfield, President of the Pearl River County Bar, presided at the function and an address was made by Chancellor Thomas D. Ott.

Mr. Ed Shropshire, Chancery Clerk of Sharkey County, had a total of sixty high school seniors visit his office; the county officials and members of the local bar explained the functions of the judicial and administrative

branches of the county and conducted a tour of the courthouse.

Mr. Haywood Cook, Chancery Clerk of Tippah County, had fifty-three seniors visit his office and tour the court house.

Mrs. Vera Curry, Chancery Clerk of Webster County, entertained at open house approximately 130 high school seniors.

Mr. Gerald Harris, Chancery Clerk of Yalobusha County, had ninety-nine seniors attending open house from schools at Oakland, Coffeville and Water Valley. Chancellor Kermit R. Cofer welcomed the students and Mr. John P. Horan addressed them.

Several local bar associations arranged for talks to be made in schools by attorneys. The Lowndes County Bar reports that the program was enthusiastically received by school officials and students, and plans to make the event an annual affair each May 1st. Every local bar association was written and requested to provide speakers for the civic clubs when requested. They were urged to advertise Law Day by mayor's proclamation, radio and television announcements, and press releases. Each local association was provided with posters, speakers' digest and program manuals.

Your committee is fully cognizant of the major role of the local bar groups in carrying out the Law Day program, and that the vast majority of all work was done by local bar associations and the individual attorneys throughout the state. Without the effort of each of you, the members of the Mississippi State Bar, our Law Day U. S. A. program could not have been successfully carried out.

We wish to thank Dave Cottrell for his fine help. Alice Nevels and her staff have done a tremendous amount of work in connection with this program, and for their cheerful and efficient assistance your committee is most grateful. We request that each member of our State Bar express his appreciation and the appreciation of the entire State Bar for the fine cooperation rendered by our chancery clerks and other county officials in connection with the Law Day program.

REPORT OF THE LAWYERS' BUSINESS AFFAIRS COMMITTEE

Because of the publication and distribution of the manual entitled "Fee Computation and Law Office Management" during the 1959-60 Bar year there has been little need of significant activity by the committee during the current year.

Studies have been made during the year to determine whether any current revision of the manual was required; none has been indicated.

Committee activity during the year has otherwise been limited to the exchange and examination of publications of like kind by other bar associations in the United States.

REPORT OF THE EDITORIAL BOARD OF THE *MISSISSIPPI LAW JOURNAL*

General

The publication of the October 1961 issue of the *Mississippi Law Journal* will complete the thirty-second volume. With the publication of the December 1961 issue, the *Journal* will commence the thirty-third year of uninterrupted publication.

The *Journal* has a circulation of approximately 2500 copies per issue, and, at the present time, is published four times a year during the months of December, March, May and October. The October issue is devoted exclusively to the publication of the proceedings of the Mississippi State Bar Convention and the official roster of the Mississippi State Bar.

The subscription rate is $4.00 per year, and separate copies may be purchased for $1.50. The *Journal* is published by the Rebel Press & Office Supply Co., Oxford, Mississippi.

Buildings And Facilities

The offices of the *Journal* are temporarily located in the basement of Lamar Hall. Future plans concerning the permanent location of the *Journal* are indefinite.

Change of Address

Every issue of the *Journal* results in several copies being returned due to erroneous addresses. The *Journal* is mailed by second-class mail and consequently there is no provision for forwarding. If the issue is not claimed by the addressee, it is returned at *Journal* expense. It is respectfully urged that all members of the Bar promptly notify the *Journal* of any change of address. Our address is "Mississippi Law Journal, P. O. Box 146, University, Mississippi".

Publication Since The 1960 Convention

Since the 1960 convention the *Journal* has published four regular issues, consisting of more than 500 pages, and the Cumulative Index for Volumes XXI-XXX, consisting of 270 pages. The reprinting of Volume II ((490 pages) was also completed, making available to the members of the Bar the heretofore out-of-print issues contained therein. The four regular issues printed during last year contained nine leading articles, twenty-seven casenotes, four comments, numerous book reviews and the proceedings of the 1960 Mississippi State Bar Convention. All of these issues were published on schedule.

Future Plans

The installation of Hon. John C. Satterfield as President of the American Bar Association this year will mark the first achievement of that coveted distinction by a member of the Mississippi State Bar since the founding of the ABA. As the official spokesman for American lawyers on many occasions, Mr. Satterfield will undoubtedly deliver several addresses of major importance during his tenure in office. The Editorial Board of the *Mississippi Law Journal* proposes to publish a special issue in August of 1962, to consist of 125 to 150 pages, devoted to a selection of the best of those speeches. In addition to its value as a gesture or recognition for the eminent position earned by a member of our Bar, such an issue would be in strong demand throughout the country and thereby contribute no little amount of prestige to the *Journal*. The cost of the special issue should not exceed $1,800.00. A provision for one-half of that amount is included in the attached proposed Budget for 1961-62. The other $900 will be budgeted during the fiscal year 1962-63.

The Journal and The Mississippi State Bar

The *Mississippi Law Journal* is a joint publication of the School of Law of the University of Mississippi and the Mississippi State Bar. The *Journal's* physical existence depends upon the annual subsidy given the *Journal* by the Bar. In order for the *Journal* to be classified as a successful professional publication, however, much more than pecuniary aid must be forthcoming. Support from the Bar in the form of articles contributed for publication, suggestions and recommendations of topics which should be treated in leading articles, and an understanding on the part of the Bar of the problems and responsibility faced by the staff in the publication of a scholarly periodical are all essential to the *Journal's* well-being. Its success is not dependent on the individual effort of the Law School or the Bar, but rather upon the continued and cooperative endeavors of both.

The financial ability to publish is of little significance when there is an absence

of suitable material to print. We extend our sincere appreciation to past contributors and respectfully urge all of the members of the Bar to write and submit for consideration articles of merit and interest.

EXHIBIT "A" TO THE LAW JOURNAL REPORT
FINANCIAL REPORT OF THE MISSISSIPPI
LAW JOURNAL
May 15, 1960 — June 1, 1961
Receipts

Balance remaining 1959-1960 Bar Appropriation	$00,000.00
Balance in book, May 15, 1960	3,042.68
Appropriation, Mississippi State Bar	7,500.00
Appropriation, University of Mississippi Law School (for reprint of Volume II)	2,262.63
Sale of subscriptions	359.80
Sale of back issues	615.19
Sale of advertising	740.00
Law School Student Assessments	608.00
Miscellaneous	241.00
Total Receipts	$15,369.30

Disbursements

Printing:	
Index, Volumes XXI — XXX	$ 3,339.40
Reprint, Volume II	2,619.25
Volume XXXI, No. 4	1,392.16
Volume XXXII, No. 1	1,715.40
Volume XXXII,, No. 2	1,205.00
Volume XXXII, No. 3	1,437.00
Total printing	$11,708.31
Postage and Box Rent	137.00
Stationery and Office Supplies	225.79
Telephone	300.26
Addressograph Expense — Mailing List	94.53
Miscellaneous	364.94
Total Disbursements	$12,829.83
Cash on Hand, June 1, 1961	2,539.47
	15,369.30

EXHIBIT "B" TO THE LAW JOURNAL REPORT
PROPOSED BUDGET OF THE MISSISSIPPI LAW JOURNAL
June 1, 1961 — June 1, 1962
Receipts

Balance in Bank, June 1, 1961	$2,539.47
Appropriation, Mississippi State Bar	6,000.00
Appropriation, Special August, 1962, Issue	900.00
Sale of Subscriptions	500.00
Sale of Back Issues	200.00
Sale of Advertising	750.00
Law School Student Assessments	720.00
Miscellaneous	100.00
Total Receipts	$11,709.47

Disbursements

Printing:	
Reprint, Volume III	$ 2,900.00
Volume XXXII, No. 4	1,700.00
Volume XXXIII, No. 1	1,700.00
Volume XXXIII, No. 2	1,700.00
Volume XXXIII, No. 3	1,700.00
Total printing	$ 9,700.00
Postage and Box Rent	250.00
Stationery and Office Supplies	200.00
Telephone Expense	275.00
Addressograph Expense — Mailing List	175.00
Miscellaneous	400.00
Total Disbursements	$11,000.00
Balance in Bank, May 31, 1962 (Estimated)	709.47
	$11,709.47

REPORT OF THE PUBLIC RELATIONS COMMITTEE

We believe there was a great deal of progress made this year in our Public Relations program. We are just beginning, however, to get the program started. The Bar employed a part-time Public Relations Director for the first time. During the year this committee attempted to evaluate the Bar program to determine what the prevailing needs were.

A questionnaire was mailed to each member of the Bar requesting their opinion as to the five most prevailing needs. The results from approximately 300 replies indicated:

1. A stronger Public Relations Program;
2. A concerted drive against unauthorized practice of law;
3. A more effective means of controlling unethical practices.
4. Greater participation by lawyers in all public and community affairs;
5. A program of encouragement to local bar associations to become active and effective groups.

The committee continued its work with the publishing of the *Mississippi Lawyer*. During the year we mailed to each attorney a copy of the "Oath of an Attorney" suitable for framing. This was a recommendation of the Ethics Committee, also.

The Director of Public Relations sent out several newspaper releases during the year and attended many of the committee meetings.

We investigated the possibility of sponsoring an "Annual Legal Check-up Program," but the Board of Bar Commissioners felt that the program was not feasible at this time.

The Commissioners of the Mississippi State Bar will develop a Public Relations program for 1961-62 at their first meeting and members of the Bar are encouraged to present any ideas on public relations to their Commissioners, the Bar Secretary or the Public Relations Director.

REPORT OF THE RESOLUTIONS COMMITTEE

WHEREAS the fifty-sixth annual convention of the Mississippi State Bar is drawing to a close, and

WHEREAS this convention has been a good convention, has been well attended, has had a full and beneficial program, the members have been able to renew friendships and fraternal relationships, all of which has come about as a result of planning and work by many people, and

WHEREAS it is fitting and proper that the convention express its appreciation, now therefore,

BE IT RESOLVED by the Mississippi State Bar in annual convention that we express our appreciation to the Harrison County Bar Association, our hosts, to its local arrangements committee and to the local committee for ladies' entertainment for their courtesy, consideration and hospitality;

That we express our appreciation to our visiting speakers — Honorable Alfred P. Murrah, of Oklahoma City, Oklahoma; Honorable Wilfred R. Lorry, of Philadelphia, Pennsylvania; Honorable James Dempsey, of White Plains, New York; and Honorable T. Murray Robinson, of Oklahoma City, Oklahoma;

That we approve the idea of panel discussions and particularly express our appreciation to the members of our own State Bar for their preparation for and participation in the panels on workmen's compensation, negligence actions, and oil and gas; that the moderators, Hon. John A. Craig, Judge Robert G. Gillespie and Hon. Breed O. Mounger, are to be commended for the very effective way in which they had the subject matter presented;

That we express our appreciation to the news media for their excellent coverage of the activities of the convention; and that we thank Jimmie Love and his staff of the Buena Vista Hotel for their fine facilities and their desire to please, which have contributed to our comfort and pleasure;

That we express to outgoing president, David Cottrell, Jr., our love, respect, and appreciation for the dedicated and capable leadership which he has provided during the past twelve months; to the Board of Bar Commissioners and the many study committees which have functioned in the past year for the hours of study, research, time and labor expended in doing the spade work of this organization; and to our efficient secretary, Mrs. Alice Nevels, and her associates for their devotion to detail and willingness to do any task regardless of magnitude.

REPORT OF STUDY COMMITTEE

Your Study Committee has had three meetings in Jackson during this fiscal year of the Mississippi State Bar, and at each a substantial majority of the entire membership of the Committee was present. A number of sub-committees have examined various proposals made to the Committee by members of the bar and by committee members, and have worked on drafts of proposed bills and recommended legislation.

The Committee makes several recommendations to this convention of the Mississippi State Bar, including bills for its approval and submission to the legislature. Our recommendations are as follows:

ITEM I. An act to establish grounds and statutory procedure for the adjudication and annulment of marriages. (Previously approved at the 1960 convention.)

ITEM II. An act to amend Chapter 262, Laws of 1952 (appearing as Section 8174 of the Mississippi Code of 1942, as Recompiled), so as to permit circuit and county court judges to adjudge that driver's licenses not to be revoked in first offender, hardship cases.

ITEM III. An act to amend Chapter 262, Section 12, Laws of 1956 (appearing as Section 4004-25 of the Mississippi Code of 1942, as Recompiled), so as to extend period of probation in cases of desertion and/or failure to support minor children.

ITEM IV. This recommendation consists of three related bills, amending

statutes concerning sexual assaults upon females. They are as follows: (a) An act to amend Section 2358 of the Mississippi Code of 1942, as Recompiled, so as to provide an additional penalty of imprisonment for a term of years (rape). (b) An act to amend Section 2359 of the Mississippi Code of 1942, as Recompiled, so as to permit the court to fix the penalty upon the entry of a plea of guilty (carnal knowledge of female over twelve and under eighteen years). (c) An act to amend Section 2361 of the Mississippi Code of 1942, as Recompiled, so as to permit the court to fix the penalty upon the entry of a plea of guilty (assault with intent to rape).

ITEM V. An act to amend Section 1640 of the Mississippi Code of 1942 as amended to provide for a designation of the contents of record on appeal and to provide for abridging the record by omitting irrelevant matter.

ITEM VI. An act to amend Chapter 249, Laws of 1952 (appearing as Section 1483.5 of the Mississippi Code of 1942, as Recompilcd), so as to provide the method of notice or process on a counter-claim, to provide for the transfer or removal of cases when the counter-claim exceeds the monetary jurisdition of the court and for related purposes.

ITEM VII. An act to amend Section 449 of the Mississippi Code of 1942, as amended, to increase the value of undivided interest of minors in real estate which may be sold without guardianship.

ITEM VIII. An act to amend Chapter 180, Mississippi Laws of 1946 (appearing as Section 3959 of the Mississippi Code of 1942, as Recompiled), so as to increase the compensation of jurors.

ITEM IX. The 1959 and 1960 conventions of the Mississippi State Bar approved a bill to establish procedure for pre-trial conferences in trial court. Your Committee has also studied and made a preliminary draft of a bill to establish a summary judgment procedure in trial courts. We think there is a need for both of these procedural techniques, but, because of certain difficulties and objections at the present time to such bills, the Committee makes no specific recommendations on them. However, we recommend that the next Study Committee be requested to study further pre-trial conference and summary judgment procedures, and to make specific recommendations concerning them to the next convention.

The convention of the state Bar of June 1960, approved certain other bills which we recommend again for approval and submission to the next session of the legislature. These bills are as follows:

ITEM X. An act to amend Section 1325 of the Mississippi Code of 1942, Recompiled, so as to limit the period of time within which deraignment of title must be shown in bills to confirm title to real estate or to cancel and remove clouds therefrom.

ITEM XI. An act to remove the requirement that charters of corporations organized for profit be published, and require that notice of incorporation be given after organization.

ITEM XII. An act amending Section 307, Mississippi Code of 1942, Recompiled, and to enumerate property which shall be exempt from execution or attachment.

ITEM XIII. An act amending Section 383 of the Mississippi Code of 1942, Recompiled, so as to abolish preliminary proceedings before the Justice of the Peace in Bastardy Proceedings.

ITEM XIV. An act to empower the Chancery Court to issue writs ancillary to its jurisdiction which are available in a court of law for the seizure of property.

ITEM XV. An act to make it a felony for any person to wilfully take, steal and carry away any domestic animal over the value of twenty-five dollars, and to

repeal Section 2243 of the Mississippi Code of 1942, Recompiled.

ITEM XVI. An act to amend Section 1876, Mississippi Code of 1942, Recompiled, so as to provide additional methods of serving notice in legal proceedings.

ITEM XVII. An act to amend Sections 1519 (as amended by Chapter 229, Laws of 1948) and 1848, Mississippi Code of 1942, Recompiled, to provide for the settlement of pleadings and entry of judgment in vacation and to provide for the contents and form of summons issued in actions in circuit courts.

ITEM XVIII. An act to amend Section 417, Mississippi Code of 1942, Recompiled, empowering guardian to create, extend or renew encumbrances of real estate.

ITEM XIX. An act to amend Section 1391, Missisippi Code of 1942, Recompiled, so as to provide that decrees against non-resident, absent, or unknown defendants, rendered upon proof of publication only, shall be final and conclusive from date of rendition, unless a rehearing shall be applied for within one year thereafter, or within ninety (90) days if the defendant is served with a copy of said decree within six (6) momnths of the date of the rendition of said decree and providing for method of serving said notice.

ITEM XX. An act to amend Section 2441, Mississippi Code of 1942, Recompiled, to provide for service of a copy of the indictment on the person indicted.

ITEM XXI. An act to provide Chancery Court with jurisdiction of proceedings in certain cases, define powers of the Court and to fix venue.

ITEM XXII. An act to amend Section 1296, Mississippi Code of 1942, Recompiled, so as to allow defendant to bring in new parties as cross-defendants within the discretion of the Court.

ITEM XXIII. Your Committee is of the opinion that there is a real need in Mississippi for an administrative procedure act, which would provide for well-defined and uniform procedures before all state administrative agencies. We recommend that the next Study Committee be requested to make a study of similar bills in other states and in the federal government, and to prepare a bill to accomplish those objectives, for submission to the next convention of the Mississippi State Bar.

REPORT OF THE COMMITTEE ON TAXATION

The Taxation Committee for the past fiscal year was reconstituted into a Taxation Section which consisted of three sub-committees as follows:

Sub-committee A — Special Liaison, Warren Ludlam, Jackson, Chairman

Sub-committee B — National Conference of Lawyers and CPAs, John T. Green, Natchez, Chairman

Sub-committee C — Special Programs, Vaughn Watkins, Jackson, Chairman

All of your sub-committees of the Taxation Section have functioned and have carried out the objectives for which they were established. Sub-committee A, Special Liaison Tax Committee, was represented at the annual convention in Atlanta, Georgia, by Meredith Wood and Warren V. Ludlam from the Mississippi Bar. This was a joint meeting between representatives of the various member Bars in the Southeastern Region and the Atlanta Internal Revenue Service Region consisting of seven states. The meeting was attended by the various delegates from the state member bars and the regional internal revenue service officials and other internal revenue service personnel. Warren Ludlam was elected Vice-Chairman of this committee for the year 1960-61 and Meredith Wood was appointed as head of the Information Committee for the Southeastern Region for the same period. Matters concerning relationship of member bars with Internal Revenue Service affecting changes in law, matters

of procedure, policy and personnel were attended to. The Information Subcommittee has been reorganized with a representative in each state whose purpose is to disseminate information to the Bar members, develop good press, radio and TV contacts and to develop join programs with Internal Revenue Service personnel on changes in the law, procedures and policy.

Sub-committee B, National Conference of Lawyers and Certified Public Accountantants has completed its assignment under the leadership of John T. Green wherein a statement of policy regulating the unauthorized practice of law by accountants and other non-lawyers has been submitted and approved by the Bar Commissioners and referred to the Mississippi Society of Certified Public Accountants through its counterpart sub-committee which was established for purposes of liaison and to handle disciplinary matters within the respective organizations. Mr. Green's committee has also referred matters to the Commissioners which were transferred to the Committee on Unauthorized Practice wherein attention has been called to practice of law by corporations, improper advertising and invasion of the field of estate planning wherein encroachment into the practice of law has appeared by insurance companies and trust departments of various banks.

Sub-committee C, Special Programs, under the leadership of Vaughn Watkins, Jackson, Mississippi has provided speakers and personnel for various programs. Members of this committee appeared at the Mississippi Law Institute and also have appeared before various luncheon clubs and professional groups throughout the state during the past fiscal year speaking on subjects of taxation and the relationship of the attorney in matters of tax law.

A schedule of all personnel of the Taxation Section as it exists at the end of this fiscal year has been referred to the president, vice-president and secretary of the Mississippi State Bar. It is recommended that all parties interested in serving on any of the sub-committees of the Taxation Section please notify Mrs. Alice Nevels, Secretary of the Mississippi State Bar, of their desire and the sub-committee in which they are interested.

REPORT OF THE UNIFORM COMMERCIAL CODE COMMITTEE

A proposed Uniform Commercial Code has been prepared and recommended by the American Law Institute and the National Conference of Commissioners on Uniform State Laws, and this code has been adopted by several states at this time. This proposed code includes sales, commercial paper, bank deposits and collections, letters of credit, bulk transfers, warehouse receipts and bills of lading, investment securities, and secured transactions.

This committee has considered the above proposed uniform code and also the desirability of a uniform commercial code for Mississippi with other states. This committee recommends as follows:

1. The approval in principle of a uniform commercial code.
2. That the legislature of the State of Mississippi, at its 1962 session, authorize and establish a study committee to make a detailed study of the said code; and that an adequate appropriation be made by the Legislature to finance this committe so that it can give the required proper study.
3. That other public and professional groups, who might be affected by such a code, be requested to conduct studies with recommendations and make the same available to said legislative study group.
4. That the report of said legislative study group be published so as to be available for consideration by any interested persons.

COMMITTEE REPORTS – JUNIOR BAR SECTION

REPORT OF THE MISSISSIPPI LAW INSTITUTE COMMITTEE

The Mississippi Law Institute was held December 2 and 3, 1960, at the Heidelberg Hotel in Jackson. The topic was Mississippi Corporation Law. The attendance at the Institute was considerably larger than the previous year, and from all indications the Institute was very successful in providing information and stimulation to the lawyers present.

Most of the speakers were from Mississippi, and this was a factor in keeping the expenses down. There were some out-of-state speakers. Financially the Institute was a success, which is in contrast to the previous year. It is the desire of the Committee to urge all lawyers in the State to support the Institute, for we sincerely feel that it is a worthwhile program of continuing education.

Mr. George Hewes of Jackson will be in charge of the Institute next year. He has been working with the faculty at the School of Law at the University of Mississippi and a fine program on oil and gas law will be presented.

REPORT OF THE MISSISSIPPI TRAFFIC COURT CONFERENCE COMMITTEE

The Second Annual Mississippi Traffic Court Conference was held in Gulfport, Mississippi, on February 23-25, 1961. This Conference was presented by the Junior Bar Section, Mississippi State Bar; School of Law, University of Mississippi; and the Gulfport Junior Chamber of Commerce, in cooperation with the Traffic Court Program, American Bar Association and the Traffic Institute, Northwestern University. The purpose of the program was to bring to the conferees the latest information concerning developments in the Traffic Court field. The program was geared toward the practical side of the traffic problem with actual field demonstrations of radar, a drunkometer demonstration, a mock manslaughter accident trial, and a host of other interesting demonstrations and lectures on related subjects.

Our mailing list of 850 was comprised of district attorneys, sheriffs, county attorneys, justices of the peace, constables, mayors, chiefs of police, city prosecutors, city judges and county judges, inasmuch as the committee felt that these persons would benefit most from the program. Each person on the mailing list was sent a copy of the brochure along with a personal letter requesting his attendance. The fee of twelve dollars also included a social hour and steak dinner.

We were quite pleased to have fifty persons attend the Conference, especially in view of the fact that prior to and during the Conference, the southern half of Mississippi was visited with one of the worst floods in recent years.

The four sponsors who contributed financially to the Conference included the Mississippi Automobile Club, the Mississippi Trucking Association, the Mississippi Safety Council and the F. W. Williams State Agency, Managing Agents for the United States Fidelity and Guaranty Company. Although the attendance was slightly less than anticipated, we were able to realize a net of approximately $140. This amount was then divided among the four sponsors who were each given a rebate of $35. The publicity for the Conference was adequately covered in the Gulfport-Biloxi *Daily Herald,* the *Commercial Appeal* and the Jackson newspapers.

The American Bar Association was represented at the Conference by Mr. Milton Moskau, Assistant to the Director of the Traffic Court Program, and Judge Edward Fisher represented the Traffic Institute of Northwestern University.

In conclusion, the Committee makes the following recommendations: (1) that the Traffic Court Conference be sponsored by the Junior Bar Section again next year; (2) that said Conference be held in Jackson, Mississippi, so as to better draw participants from all sections; (3) that a committee be set up as soon as possible to initiate plans for the next Conference, due to the fact that the large majority of the participants at the Conference were employees of municipalities and many new mayors will be taking office in July 1960. It is recommended that these persons be contacted immediately. It is our belief that the Traffic Court Conference is a most worthwhile project and one which materially benefits the State of Mississippi.

REPORT OF THE YOUNG LAWYERS' SEMINAR COMMITTEE

It is generally agreed that when one graduates from law school, as far as the practical aspects of his education, it is certainly by no means complete. He simply does not have the know-how to put into practice what he has learned in law school. It is a considerable journey from the class room to the court room, and by means of this Seminar we hope to make that journey a little easier for the new graduates, and with as few pitfalls as possible.

The Seminar is an attempt to bridge the gap for the new lawyer between the theory he has learned in law school and the actual handling of the law practice. We attempt to do this by a three-day Seminar — a three-day course of instruction covering particular subjects which we feel are of immediate interest and importance to the average beginning practitioner. The instruction at the Seminar takes the form of a lecture by a distinguished attorney in each separate subject, and if he is not a bona fide expert in the particular subject to which he is assigned, he at least has had a great deal of experience.

Each student, in addition to the lecture, is given a detailed outline of the material covered in the lecture. Three of the subjects — Mechanics of the Courts, Negligence Actions, and Wills and Estates — are alloted four hours on the program. The presentation on the remaining five subjects — Abstracts and Titles, Accounts Collections, Defense of Criminal Actions, Domestic Relations, and Workmen's Compensation — covers two hours. This is a concentrated program in what are considered to be the bread and butter subjects of the beginning practitioner.

The success of a program of this kind is measured by the benefits derived therefrom by those attending, and that is directly dependent upon the caliber of the lecturers and the quality of their presentations. We feel that we have been particularly fortunate in this regard in that we have had some of the outstanding lawyers of Mississippi who have consented to serve on the program. They have done a truly outstanding job.

Each person who attends the Seminar is given an outline of the material covered. Where appropriate, forms are attached to the outline. For example, in the wills and estates outline there was attached a form of a simple, uncomplicated will; a petition to have a will admitted to probate; an order admitting the will to probate; the oath of the executor; the letters testamentary; notice to creditors; and even forms for the vouchers. Now these things seem rather commonplace to someone who has been practicing law for several years, but for the person just starting out, it is a tremendous help.

The outline on abstracts and titles has attached all the forms required by the Veterans Administration and the F.H.A. in closing a loan, and the outline on

abstracts and titles contains a step by step procedure on mechanics of closing a loan.

Last year our Seminar was held at Millsaps College as were the previous seminars. We are very grateful to the people at Millsaps for the use of their fine facilities. The student center there lends itself very well to a seminar type program, and we tried as hard as we could to get away from anything resembling a classroom atmosphere.

The Seminar is offered to all of those admitted to the Bar of the State of Mississippi since the last Seminar was held, and our last Seminar was held on August 25—27, 1960. So that means that this year the Seminar will be available to the January, June and August graduating classes at Ole Miss, plus those who successfully passed the February and July 1961, bar examinations. Last year, in addition, we invited those who were in the last semester of law school, either at Ole Miss or at the Jackson School of Law.

We had fifty-one registrations last year, which is about 80% of all of those who were eligible to attend, and a $10 registration fee. We had a grocery bill of $510 and expenses ran rougly $300, so we netted a little over $200. We made money for the Junior Bar Section. Of course, we had a number of expenses which were borne by the good friends of the Bar Association, and if these items were included in the budget the expenses would have exceeded the income.

In addition to the lectures, the outline and forms, each of us attending the Seminar was a guest of the First National Bank of Jackson at a complimentary banquet. Judge Robert Gillespie made a very fine talk to us on this occasion, and in keeping with the best traditions of the Bar Association, immediately preceding the banquet we had a social hour, the wherewithal being provided by the Mid-South Title Company of Memphis. Mississippi Valley Title Insurance Company of Jackson kept us supplied with fresh, hot coffee throughout the three-day Seminar.

APPENDIX B

DIRECTORY
MISSISSIPPI STATE BAR

AUGUST, 1961

ABERDEEN

Richard B. Booth
Harrison Bldg.
Claude A. Chamberlain
Box 532
Jesse M. Coleman
Judge Allen Cox
D. W. Houston, Jr.
Watkins Bldg.
George W. Howell, Jr.
Box 96
Robert D. Patterson
Box 136
Ralph E. Pogue
Lyonel Thomas Senter, Jr.
301 W. Commerce St.
Johnny N. Tackett
Box 157
John S. Therrell, Jr.
Box 424
William S. Turner
Box 386

ACKERMAN

Jack B. Carlisle
Courthouse Bldg.
J. P. Coleman
William Dewitt Coleman
James Dennis Dobbs
Box 155

AMORY

John E. Johnson
907 10th Ave. N.
J. O. Prude, III
Box 124
Jack N. Thomas
Box 267
Fred P. Wright
Box 57

ASHLAND

Anthony T. Farese
Box 135
John B. Farese
Box 135
L. Hamer McKenzie

BALDWYN

W. H. Cox
Box 353
M. Paul Haynes

BATESVILLE

Dennis M. Baker
102 Ward Ave.
Charles Clifton Finch
Box 86
Hill Jarratt
D. R. Johnson
Box 288
Robert T. Riser
Arnold R. Smythe
Ralph O. White
Box 86

BAY ST. LOUIS

Jos. H. Benvenutti
300 Toulme St.
Evelyn Hunt Conner
Box 281
Sam Leroy Favre
Gerald C. Gex
Merchants Bank & Trust Co. Bldg.
Lucien M. Gex
Merchants Bank & Trust Co. Bldg.
Michael D. Haas
Box 304
Edward I. Jones
Box 15
Cornelius Joseph Ladner
Box 412
Ivey E. Peebles
Rt. 2, Box 130-B
Walter J. Phillips
Merchants Bank & Trust Co. Bldg.
Dan M. Russell, Jr.

BAY SPRINGS

Wm. Harrison Alexander
Charles R. Mayfield, Jr.
Box 251
Robert H. McFarland
J. A. McFarland, Jr.
O. M. Oates
Box 25
O. M. Oates, Jr.
Box 25
J. L. Thompson
J. E. Ulmer, Jr.
Box 1

BELMONT

L. P. Allen, Jr.

BELZONI

James T. Bridges
Box 322
V. B. Montgomery
Box 277
Paul B. Murphy
187 Lee St.
Irby Turner, Jr.
Box 447
Hugh R. Varnado, Jr.
Box 277
Lucian R. Wadlington
Box 355
W. D. Womack, Jr.
Womack Bldg.
W. D. Womack, Sr.
Womack Bldg.

BEULAH

Dixon Dossett

BILOXI

Samuel E. Birdsong, Jr.
123 Old Bay Rd.
Lynden Bowring
941 E. Beach St.
F. G. Cody
406 Benachi
L. C. Corban, Jr.
Box 2
George B. Cousins, Jr.
Box 382
L. H. Doty
1730 W. Beach
Judge Leslie B. Grant
Circuit Court
Daniel D. Guice
Box 153
Jacob D. Guice
Box 153
W. L. Guice
Box 153
Wilbur G. Hamlin
172 St. Andrews
Louis Hengen
215 Barq Bldg.
Clare Sekul Hornsby
Barq Bldg.
Albert S. Johnston, Jr.
Box 214
Arnaud O. Lopez
202 Barq Bldg.
James S. Love
Hotel Buena Vista
Frederick J. Mannino
Peoples Bank Bldg.
Box 92
Howard A. McDonnell
201 Barq Bldg.
Newton Kelly McKain
Peoples Bank Bldg.
Drawer M M
Walter L. Nixon, Jr.
Box 541
Ronald Troy Oldenburg
125 Gill Ave.
Lyle M. Page
Box 222
Charles K. Pringle
Box 292
Victor B. Pringle
Box 292
Jules A. Schwan
Box 272

John M. Sekul
203 Barq Bldg.
Lawrence Semski
Box 552
E. C. Tonsmeire, Jr.
Box 92
Edward G. Tremmel
Box 272
Walter J. Wadlington
Peoples Bank Bldg.
Thomas L. Wallace
Box 552
Thomas J. Wiltz
Box 302

BOLTON

Albert M. Graham

BOONEVILLE

Clarence Chase
Schultz Bldg.
Thomas H. Comer
Box 24
Floyd W. Cunningham
Box 168
James A. Cunningham, Sr.
J. E. Cunningham
Court Bldg.
Jack M. Dubard
Box 225
Ellis W. Finch
Box 46
Donald Franks
Eugene Burton Gifford, Jr.
James N. Godwin
Judge Raymond T. Jarvis
Circuit Court
E. K. Windham

BRANDON

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Box 7
Joe Ragland Bullock
Box 398
Louis Fondren, Jr.
Box 398
George Dan Martin
Box 587
W. E. McIntyre
W. E. McIntyre, Jr.
John C. McLaurin
Robert S. McLaurin, Jr.
Box 426
James Anthony Morrow, Jr.
J. C. Murray
Box 7
John C. Murray, Jr.
Box 7
J. David Williams
Box 263

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Emmette P. Allen
Miss. Power & Light Bldg.
Bruce Holmes Brady
730 S. Church St.
Judge Tom P. Brady
Drawer 548
Tullius Brady
Box 115
Charles Emmette Brennan
Box 9
Michael L. Carr, Jr.
State Bank & Trust Co.
Bldg.
A. A. Cohn
Panzica Bldg.
James W. Elliott, Jr.
Box 774
George H. Gulley, Jr.
Box 317
H. W. Hobbs
Panzica Bldg.
Henry W. Hobbs, Jr.
Box 356
Robert E. Jones
Drawer 831
James F. Noble, Jr.
Box 4
J. F. Noble, Sr.
Box 4
Donald B. Patterson
Miss. Power & Light Co.
Bldg.
Ralph Lawrence Peeples
209 S. Railroad Ave.
R. Pearce Phillips
Box 786
Owen Roberts
Box 677
R. E. Stratton, III
State Bank & Trust Co.
Bldg.
Terry S. Swalm
Swalm Bldg.
Hugh V. Wall
State Bank & Trust Co.
Bldg.
J. Meredith Wood
Box 129

BRUCE

Jesse Lee Yancy, Jr.
Box 62

CALHOUN CITY

Wm. Walter Brown
Box 146
Paul M. Moore

CAMDEN

Edgar Lee Walker

CANTON

James Paul Arbuthnot
James A. Butchart
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James M. Cain
Wells Bldg.
S. Robert Cain, Jr.
William Sterling Cain
George Milton Case
128 N. Liberty St.
Nelson R. Cauthen
Hermon Dean
Henry Nolen Fancher
Box 281
Joe R. Fancher, Jr.
Box 281
J. M. Greaves
Box 128
G. B. Herring
First Nat'l Bank Bldg.
Josephine Hood
D. C. McCool
Box 172
Percy F. Parker
Levy Bldg.
Robert H. Powell, Jr.
Box 245
Tip Ray
L. G. Spivey
J. Collins Wohner

CARRIERE

M. G. Blackwell
Box 98

CARROLLTON

Maurice R. Black
Rt. 1

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Circuit Court
Tom J. Barnett
Harold W. Davidson
Albert Dickens, Jr.
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Earl L. Grimes
J. O. Hollis
J. E. Smith
Box 387
A. M. Warwick
A. R. Wright, Jr.
Box 424

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J. H. Caldwell, Jr.
Drawer 112
George P. Cossar
George Payne Cossar, Jr.
Albert D. Whitten
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232 Stevens Bldg.
E. Cage Brewer, Jr.
Box 306
Charles Lawrence Brocato
Box 509
V. J. Brocato
Box 509

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Coahoma Co. Bank Bldg.
C. Willis Connell, Jr.
Bank of Clarksdale
Edward Peacock Connell
150 Delta Ave.
Martin D. Cook
202 Coahoma Co. Bank Bldg.
John W. Crisler
319-20 McWilliams Bldg.
Chester Harris Curtis
Box 368
Jack F. Dunbar
McWilliams Bldg.
Pascal D. Holcomb
Box 368
Joseph W. Hopkins
Box 382
R. H. Kirby
Stovall Lowrey
Coahoma Co. Bank Bldg.
Semmes Luckett
121 Yazoo Ave.
William O. Luckett
Box 306
Sidney Allen May
121 Yazoo Ave.
G. F. Maynard, Jr.
Drawer 480
William H. Maynard
Drawer 480
Leighton S. Miller
Box 715
Thomas H. Pearson
516 West Second St.
Leon L. Porter, Jr.
Box 431
J. L. Prude
Box 774
Shed Hill Roberson
121 Yazoo Ave.
William L. Rone
917 Russwin
Harvey T. Ross
Box 339
Tom T. Ross
Box 339
Lester M. Sack
Box 626
John Charles Senour
426 West 2nd St.
Elzy J. Smith, Jr.
510-11 McWillliams Bldg.
Charles L. Sullivan
Box 371
E. F. Whittington
Box 181
Howard G. Woodward
Box 876
Judge E. M. Yerger
County Court

CLEVELAND

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112 N. Pearman St.
William H. Bizzell
Drawer 1031
Hubert J. Boykin
Box 855
Ancil L. Cox, Jr.
116 S. Court St.
C. H. Crump
Joseph C. Feduccia
112 N. Pearman Ave.
Judge Ed H. Green
Circuit Court
Ellis Griffith
Suite 113, Commerce Bldg.
John L. Hatcher
Joseph N. Howorth
515 S. Victoria Ave.
Lucy S. Howorth
515 S. Victoria Ave.
Judge Robert E. Jackson
Chancellor
Charles C. Jacobs, Jr.
Commerce Bldg.
W. D. Jones
108 N. Pearman Ave.
Alfred A. Levingston
Drawer 1031
Ben F. Mitchell
Box 552
Dana C. Moore, Jr.
116 S. Court St.
Wm. E. O'Hare
Box 630
Harvey Blanton Ray
112 N. Pearman Ave.
John T. Smith
Box 630
Abe D. Somerville
Box 387
A. B. Sparkman
Carmon E. Valentine
127 S. Court St.
John White Valentine
127 S. Court St.
Frank O. Wynne, Jr.
Owen Bldg.

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William H. Hewitt
801 Oakwood Drive
Corwin G. Muse, Jr.
Clinton Savings & Loan Bldg.
William R. Phillips
101 Sunset Drive
Cecil A. Rogers
311 N. Jefferson
Royce L. White
Box 534
R. P. White, Jr.
805 E. Leake
Gladstone E. Williams
Box 176

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J. P. Stone

COLLINS

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W. W. Dent
J. D. Kervin, Jr.
John K. Keyes
Hugh McIntosh
Bonnie Smith

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Walter Earl Bullock
225 2nd St.
Bernard Callender
310-312 Newsom Bldg.
James Seaborn Dale, Jr.
Watts Bldg.
R. H. Dale
Box 623
Judge Sebe Dale
Circuit Court
Maurice Dantin
310 Newsom Bldg.
James R. Davis
Box 222
Ernest R. Duff
216 Newsom Bldg.
Roy J. Goss
210-11 Newsom Bldg.
Toxey Hall
310-312 Newsom Bldg.
Michael H. Lawless
Newsom Bldg.
Henry Mounger
Suite 216 Newsom Bldg.
Henry E. Pope
Box 569
Ben Mounger Rawls
Citizens Bank Bldg.
H. Phillip Singley
309 Newsom Bldg.

COLUMBUS

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William G. Burgin, Jr.
516 2nd Ave. N.
Richard Henderson Carlisle
Box 374
H. T. Carter
521 2nd Ave. N.
Charles L. Garnett
Box 1001
Hunter M. Gholson
516 N. 2nd Ave.
Dewitt T. Hicks, Jr.
Box 1094
John H. Holloman
512 2nd Ave., N.
W. H. Jolly
516½ 2nd Ave. N.

T. W. Lewis, Jr.
Box 152
George L. Lucas
519 2nd Ave. N.
Ben L. Owen
Box 1001
Jacob C. Pongetti
207 5th St. N.
J. O. Sams
514 2nd Ave. N.
Joe O. Sams, Jr.
Box 304
George J. Schweizer
Box 166
John F. S. Sims
1124 N. 11th St.
W. L. Sims
1124 N. 11th St.
Douglas Clyde Stone
Box 166
R. C. Stovall
Box 591
W. J. Threadgill
Box 1094
Henry K. Van Every
Box 981
Robin Weaver
Box 1003
David J. Whitaker
Box 101

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James P. Dean
2002 Peoper St.
H. A. Hopper
Chambers-Liddon Bldg.
Frank H. Hughes
Box 60
Thomas G. Lilly
Box 549
Joe B. Mitchell
509½ Waldron St.
James E. Price, Jr.
Box 866
H. M. Ray
Box 907
William L. Sharp
Box 844
Robert L. Shirley
1403 Magnolia Road
William E. Skelton, Jr.
1804 Bunch St.
Orma R. Smith
Box 191
Orma R. Smith, Jr.
Box 191
Carey Stovall
201 Chambers-Liddon Bldg.
N. S. Sweat
Box 227
N. S. Sweat, Jr.
Box 227
W. C. Sweat, Jr.
National Bank Bldg.
B. F. Worsham
Box 146

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Merrimen M. Watkins
Box 233
Donald Weed
Box 30

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James B. Everett
Benton R. Gordon
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Marcus D. Gordon
Box 212
William H. Johnson, Jr.
Box 55

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J. T. McCully
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Helen J. McDade
Box 1562
Louise P. Spinks
Box 1476

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5696 Highway 51S
Whitehaven, Tenn.

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DUNCAN

Glover A. Russell
Box 366

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Calvin R. King
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James A. White
101 E. Madison

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John M. Kendrick

ELLISVILLE

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Glender Dennis
Cecil G. Johnson
Box 403
L. K. Saul
Courthouse

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W. D. Gary
Box 132
Walter B. Meek
Judge R. P. Sugg
Chancellor

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R. L. Corban, Jr.
Carroll J. McLaurin
James M. Walker
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William A. Huff
Drawer 179
Osborn Guyton Idom
Box 93
James Walter Lee
Box 385
Roy Noble Lee
Masonic Bldg.
Howard B. McCrory, Jr.
Box 46
R. L. Nichols
Drawer 179
Roby L. Stegall
209 E. First St.
Wm. Carl Thompson
Box 203
O. B. Tripplett, Jr.
Box 247

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Uhl Poole Fornea
Box 314

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William Herman Camp
A. T. Cleveland
W. L. Elledge
Percy A. Martin
Malcolm T. Yawn

GLOSTER

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Box 218
Walker Jean Carney, Jr.
J. T. Lowrey
Amite Co. Bank Bldg.
Joe Upton

GOODMAN

Joe F. Allen

GREENVILLE

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Suite 411, Weinberg Bldg.
Joseph W. Biggers
Box 528
Edward J. Bogen
Weinberg Bldg.

Marvin Burchfield
1137 Lourdes St.
Roy D. Campbell
Box 895
Frank Carlton
Bayou Road
George L. Cottingham, Jr.
Greenville Buick-Pontiac Co.
Ralph D. Davison
Box 918
Fountain D. Dawson
Leyser Bldg.
Anse Dees
Box 1168
Fred C. DeLong, Jr.
Box 663
W. S. Dickson
U.S.F.&G.
Howard Dyer, Jr.
303-04 Weinberg Bldg.
Holland O. Felts
Box 1098
Jerome S. Hafter
Box 918
Emmet Harty
205-08 Weinberg Bldg.
W. C. Keady
Box 895
Ernest Kellner, Jr.
May Bldg.
Raymond V. Kimble, Jr.
205-08 Weinberg Bldg.
J. A. Lake, Jr.
Box 918
Robert Hart Lake, Jr.
124 S. Poplar St.
Robert T. Love
Box 1354
Phillip Mansour
Box 591
Burrell O. McGee
Box 918
W. M. McGough
Drawer 660
Weinberg Bldg.
W. L. McIlwain
Box 558
Horace L. Merideth, Jr.
Box 625
H. A. Miller
Box 1334
Julian David Orlansky
Box 1334
S. Ira Pittman
405-10 Weinberg Bldg.
Judge Zelma W. Price
Box 766
Tony P. Provenza
Box 607
Eugene J. Raphael
Woolworth Bldg.
James Robertshaw
Box 99
George Ramsey Russell
Weinberg Bldg.
Laurence J. Sievers
Box 506
George H. Slade
125 W. Walker St.
Earl Solomon
Weinberg Bldg.
Earl Solomon, Jr.
929 Arnold Ave.
E. B. Taylor
Leyser Bldg.
Judge S. B. Thomas
Chancellor
William Thomas, Jr.
948 Arnold Ave.
Charles S. Tindall
Box 918
Charles W. Wade
Box 426
John C. Webb
216 Weinberg Bldg.
Burwell B. Wilkes
Suite 411, Weinberg Bldg.
Joseph E. Wroten
Box 1334
Douglas C. Wynn
Box 918

GREENWOOD

Edward J. Antoon
Box 417
A. H. Bell
Drawer 657
William H. Braden
903 Grand Blvd.
Norman C. Brewer
Box 411
J. G. Colson
Box 364
Charles Milton Deaton
Box 411
Gray Evans
Box 411
John J. Fraiser, Jr.
Whittington Bldg.
Willie J. Heckler
1107 Mississippi Ave.
Arthur Jordan
O. L. Kimbrough
Box 516
Hardy Lott
Aven Bldg.
R. Cunliffe McBee
Drawer 657
George Hite McLean
Box 516
Pearl McLellan
Box 54
Gerald J. Montgomery
300 Lamar St.
Paul D. Montjoy
Box 921
W. H. Montjoy
Box 906
Yerger Morehead
Whittington Bldg.
Frank K. Odom
Box 674
H. Talbot Odom
Box 674
Porter W. Peteet
Whittington Bldg.
James M. Pierce
c/o Staple Cotton Discount Corp.
210 W. Market St.
M. F. Pierce
Wright Bldg.
James C. Pittman, Jr.
Box 674
Judge Charles Pollard
Old Bank of Leflore Bldg.
J. Stanny Sanders
Aven Bldg.
Gordon L. Smith
804 Bell Ave.
Richard L. Smith
Box 246
Seth Wheatley, Jr.
Box 389
W. M. Whittington, Jr.
Box 941
William M. Whittington
207 Aven Bldg.
Fred Witty
Box 912

GRENADA

Thomas A. Bell
Box 901
A. M. Carouthers
Grenada Bank Bldg.
Jim McRae Criss
15 Evans Bldg.
Bradford J. Dye
Box 917
Bradford J. Dye, Jr.
Box 917
William H. Fedric
Grenada Bank Bldg.
Jay Gore, Jr.
Box 901
John Toliver Keeton
Box 602
William A. Lomax
Grenada Bank Bldg.
Mitchell M. Lundy
11 Evans Bldg.
Judge Marshall Perry
Evans Bldg.
Leon E. Provine
Box 147
William O. Semmes
Box 240
William F. Winter
Box 738

GULFPORT

Bidwell Adam
1607 24th Ave.
E. J. Adam, Jr.
300 Hewes Bldg.

Robert B. Adam
Box 222
Frank W. Alexander
Box 88
Jo Drake Arrington
410 Hewes Bldg.
Harold R. Barber, Jr.
Box 1023
Thomas D. Berry, Jr.
508 Hewes Bldg.
Rae Bryant
Suite 5, Salloum Bldg.
Robert R. Buntin
Box 985
Everett E. Cook
Box 135
Bruce G. Cornell
3rd Floor, Hewes Bldg.
David C. Cottrell, Jr.
Box 225
William F. Dukes
5312 Quincey Ave.
Aubert C. Dunn
5th Floor, Hewes Bldg.
James S. Eaton
Box 225
G. E. Estes, Jr.
Box 88
William Estopinal
Medical Bldg.
Jason H. Floyd
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201 Hatten Bldg.
Charles R. Galloway
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John M. Gardner
1425 24th Ave.
D. M. Graham, Jr.
203 Hardy Bldg.
D. M. Graham
203 Hardy Bldg.
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Suite 308, Gulf Nat'l Bank Bldg.
Zula Kate Harris
Box 225
Gaston H. Hewes
Hewes Bldg.
Judge William G. Hewes
Chancellor
Viola J. Hilbert
Hewes Bldg.
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Box 524
English Lindsey
Hewes Bldg.
Ewart G. Lindsey
Box 998
William E. Logan
Hatten Bldg.
Judge Luther W. Maples
26th Ave.
Ernest G. Martin, Jr.
Box 985
R. B. Meadows
Hewes Bldg.
Judge Sidney C. Mize
Federal Court
Webb M. Mize
310 Gulf Nat'l Bank Bldg.
George E. Morse
Box 265
Nancy Wood Morse
Hatten Bldg.
Stanford E. Morse
Hatten Bldg.
Stanford E. Morse, Jr.
Hatten Bldg.
Sherman Lewis Muths, Jr.
2300 14th St.
Guy Nichols
201 Jo Fran Bldg.
H. G. O'Connor
4512 Jefferson Ave.
William R. Owings
Box 711
Owen T. Palmer, Jr.
2209 14th St.
Clayton Rand
The Dixie Press
Thomas N. Roberts, Jr.
Box 181
Joseph C. Seaman, Jr.
No. 11 51st St.
Donald O. Simmons
Box 575
J. U. Simmons, Sr.
Box 575
Upton Sisson
Box 456
George R. Smith
American Legion Bldg.
George R. Smith, Jr.
American Legion Bldg.
Robert L. Taylor
Box 88
Hollis C. Thompson, Jr.
Box 580
R. W. Thompson, Jr.
310 Gulf Nat'l Bank Bldg.
Jerry W. Trigg
Box 727
McRae Turner, Jr.
Box 289
Harry G. Walker
Box 2251, Evergreen Station
Knox W. Walker
1627 25th Ave.
Douglas Knox White
Abstract Bldg.
Neil W. White
Abstract Bldg.
W. H. White
Abstract Bldg.
Marguerite L. Williams
1805 19th Ave.

HATTIESBURG

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Box 1292
Robert E. Arrington
Box 22
Bruce C. Aultman
411 Carter Bldg.
Dorrance Aultman
Box 3
B. H. Baker
Box 801
Frank David Barber
Box 1209
Stone Deavours Barefield
Citizens Bank Bldg.
Jefferson C. Bell
Box 1125
Carl E. Berry, Jr.
201-202 Michael Bldg.
J. Lee Bilberry
Box 1390
M. D. Brett
Box 1071
Irvin H. Buchalter
Box 506
J. M. Byrd
Box 925
John A. Bruce Caldwell
Box 1390
Thomas P. Caldwell
Box 1368
Robert L. Calhoun
Box 461
Lester Clark
302 First Federal Bldg.
Dudley W. Conner
Conner Bldg.
Harold B. Cubley
Box 969
Edward J. Currie, Jr.
Box 29
E. J. Currie, Sr.
Ross Bldg.
George G. Currie
Box 626
George W. Currie
Box 626
George C. Curry
Drawer 1561
Daniel W. Dabbs
Box 468
T. W. Davis, Jr.
Box 529
James K. Dukes
Box 822
Henry K. Farmer
310 Ross Bldg.
James S. Finch
Box 1169
Lawrence Y. Foote
Drawer 1231

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Herbert R. Ginsberg
First Federal Bldg.
Paul E. Grady
Box 1349
Reginald A. Gray, Jr.
201 Carter Bldg.
John S. Grove
Box 1024
Wallace R. Gunn
Box 1174
Judge Stanton A. Hall
Circuit Court
Judge William Haralson
Box 132
F. C. Hathorn, Jr.
Box 865
Rowland W. Heidelberg, Jr.
401 Ross Bldg.
Paul H. Holmes
Box 822
William J. Huff
104 Pinehurst St.
Paul B. Johnson, Jr.
130½ E. Pine St.
Rex Kenton Jones
211 Chevy Chase Drive
W. Arlington Jones
Suite 401-03 Carter Bldg.
William F. Jones
Box 95
A. F. Kelly
Geiger Bldg.
Carl W. Kepper
Box 251
Marie P. Kepper
Box 251
Joe R. King
304-05 Citizens Bank Bldg.
Alvin N. London
119 E. Front St.
James F. McKenzie
Box 1070
Frank D. Montague, Jr.
Box 1288
J. Martin Mooney
Carter Bldg.
Alfred Moore
111½ E. Front St.
C. M. Morgan, Jr.
Box 1333
Forrest M. Morris, Jr.
215 E. Front St.
William H. Morrow
Box 567
William V. Murry
204 Conner Bldg.
Paul M. Newton
517 Ross Bldg.
Mildred W. Norris
Box 1633
Judge Thomas D. Ott
307 Citizens Bank Bldg.
Howard L. Patterson
Box 808
Claude F. Pittman
Box 227
Claude F. Pittman, Jr.
Box 227
Edwin Lloyd Pittman
511½ Main St.
Homer Pittman
Box 227
Moran M. Pope, Jr.
Box 1463
William L. Richmond
119 Front St.
Thomas J. Riley
804 Concart St.
M. M. Roberts
Box 870
John Hillman Rogers
813 Crestview Dr.
Phillip Rolls
Box 1343
W. L. Shappley
Box 6
James Simrall, Jr.
411 Carter Bldg.
E. E. Staton
Box 54
Ben Stevens
Box 1381
Joseph H. Stevens
Box 1643
Jack Stewart
Box 969
C. W. Sullivan
Box 1591
R. M. Sullivan
Box 1591
T. Harris Sullivan
Box 1310
Dan Gary Sutherland
401 Ross Bldg.
Melvin M. Thomas, Jr.
200 29th Ave.
Joe Avery Thompson
Box 1368
J. Kearney Travis
Citizens Bank Bldg.
Earle L. Wingo
Carter Bldg.
Elliott T. Wooten
308½ Twelfth Ave.
Francis T. Zachary
206 Carter Bldg.

HAZLEHURST

S. E. Allen, Jr.
Box 208
John T. Armstrong
Bank of Hazlehurst Bldg.
Mrs. E. R. Arrington
Box 347
R. O. Arrington, Jr.
Box 347
Donald C. Cooley
Box 388
Judge J. F. Guynes
Chancellor
Harris B. Henley
Box 509
W. S. Henley
Box 509
Harry O. Hoffman, Jr.
Bank of Hazlehurst Bldg.
Carroll Kemp
Wilson Bldg.
Julius L. Lotterhos, Jr.
Box 509
Lena C. Zama
Box 108

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Ross Lee Franks
Boyce Lee Garner
F. C. Holmes, Jr.
H. Grady Johnston
R. F. B. Logan
Joel P. Walker
Edward L. Whitten, Sr.
W. E. Wilroy
Box 5

HICKORY

W. M. Everett
Box 115
S. E. McGee

HOLLANDALE

W. Scott Thompson
Box 307

HOLLY SPRINGS

John W. Bryant, Jr.
Merchants & Farmers
Bank Bldg.
Robert P. Crutcher
Box 377
Lt. Charles N. Dean
330 Salem Ave.
Wall Doxey, Jr.
Lester G. Fant, Jr.
Box 377
Sidney L. Hurdle
First State Bank Bldg.
John L. Kennedy
North Side of Square
George Rather, II
L. A. Smith, Jr.
First State Bank Bldg.
Fred E. Swaney
Van Dorn Ave.

HOUSTON

H. B. Abernethy
W. W. Brand
Box 128
Woodrow Wilson Brand, Jr.
Box 128
Jeff Busby
Box 123

Thomas B. Davis
432 S. Jackson St.
John P. Fox
A. E. Hawkins
Box 266
C. H. McCraine, Jr.
Box 231

INDIANOLA

Richard M. Allen
Masonic Bldg.
Billy K. Chapman
125 Augusta St.
A. B. Clark
Box 88
Judge Arthur B. Clark, Jr.
Box 88
Edward Lionel Cook, Jr.
People's Bank Bldg.
Forrest G. Cooper
Masonic Bldg.
Frank O. Crosthwait, Jr.
Masonic Bldg.
Howard Q. Davis
Aaron M. Edwards
Box 613
Hugh Lumpkin
Gordon L. Lyon
J. H. Price
David M. Quinn, Jr.
Box 172
G. P. Ritchey
Box 628
Oscar B. Townsend
202 2nd

INVERNESS

Raymond L. McGuire
Box 187

ITTA BENA

Cleveland Davis
Box 98
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Box 82

IUKA

J. O. Clark
James Barry Finch
Box 335
J. D. Finch
Harry M. Rhine
Cecil Lamar Sumners

JACKSON

Annie Lou Abel
Suite 821, Plaza Bldg.
William D. Adams
316 Boling St.
Lee B. Agnew
418 Yazoo St.
John E. Aldridge
Box 1699
Chalmers W. Alexander
Box 291
H. Chalmers Alexander
Box 1461
James A. Alexander, Jr.
Box 977
Julian P. Alexander, Jr.
Box 1367
Paul Alexander
1847 Dep. Gty. Bank Bldg.
William P. Alexander
Box 1284
James E. Allen
Dep. Gty. Bank & Trust Co.
Sam S. Allred
Box 651
Lester Alvis, Jr.
3955 Berkley Dr.
Judge R. Olney Arrington
Asso. Justice Supreme Court
New Capitol
B. Galloway Austin
247 East Pascagoula
William A. Bacon
Box 15
Charles T. Barber
Box 1734
J. S. Barbour
Box 1818
Henry E. Barksdale
300 Lamar Life Bldg.
James A. Barnett
Box 1288
Governor Ross R. Barnett
New Capitol
Ross R. Barnett, Jr.
Box 1288
Stephen L. Beach, Jr.
Box 663
Lloyd Lamar Beachman, Jr.
822 Plaza Bldg.
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John A. Bellan, Jr.
1012 First Nat'l Bank Bldg.
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Robert A. Biggs, Jr.
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Milner Bldg., Allstate Ins. Co.
Richard A. Billups, Jr.
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Alvin Binder
Box 9984
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Box 1084
Walter R. Bivens
235 Cooper Road
William P. Black
960 Milner Bldg.
E. L. Bond
321 Sewanee Dr.
Grover L. Boone
Box 648
Carl C. Bostic
200 S. President, Barnett Bldg.
M. P. Bouslog
Box 3032
Francis S. Bowling
431 Tombigbee, Court Square, S Bldg.
Hartwell Bowling
Box 78
Ras Milton Boyles
Box 998
Richard C. Bradley
406 Rollingwood Dr.
Audrey W. Brand
Box 8222 Battlefield Station
Jack W. Brand
Box 158
S. M. Brand
Box 8222 Battlefield Station
J. R. Brannon
Box 4316, Fondren Station
Dan E. Breland
Box 765
Kenneth M. Britt
Suite 1012, First Nat'l Bank Bldg.
Harmon W. Broom
Box 1275
Rufus Houston Broome
Box 5521
James E. Brown
5838 Canton Park Dr.
J. T. Brown
Box 291
E. L. Brunini
Box 119
Clifton E. Bryant
4250 Athens Dr.
Noel W. Buckley
Century Bldg.
Cary E. Bufkin
Box 1172
James D. Buford
Box 1172
Delos H. Burks
Asst. Atty. General
Box 220
Robert Burns
Box 158
Jack C. Burrell
Box 1972
Charles W. Busby
Suite 310, Barnett Bldg.
William A. Busby
418 Yazoo St.
Fred M. Bush, Jr.
Box 849

Millard M. Bush
Box 9984
George H. Butler
Box 141
Wilton V. Byars
1617 Wilhurst St.
Joseph B. Cadwallader
1801 Dep. Gty. Bank Bldg.
T. Eugene Caldwell
306 Barnett Bldg.
Edwin T. Calhoun
720 N. Jefferson St.
K. Hayes Callicutt
Box 1172
Robert C. Cannada
Box 141
John Wesley Capers
Suite 611, Barnett Bldg.
Robert Taylor Carlisle
Box 1269
Charles A. Carter
Box 1582
William O. Carter, Jr.
Craig Castle
1421 First Nat'l Bank Bldg.
Edward L. Cates
Asst. Atty. General
Box 2005
Paul Chambers
Box 157
C. J. Chandler
3726 Greenwich St.
Reynolds Cheney
Box 1666
James K. Child, Jr.
Box 157
W. M. Childress
Box 12
Bernard W. N. Chill
Box 1482
Clifford C. Chittim
Box 427
Charles Clark
Suite 1741, Dep. Gty Bank Bldg.
G. C. Clark, Jr.
107 Electric Bldg.
H. M. Clark
308 First Federal Bldg.
Thurman L. Clark
4143 Carol Dr.
William W. Clark
Box 1429
Neal Clement
1043 Meadow Heights
Percy L. Clifton
501 Medical Bldg.
J. W. Cocke
1339 Dep. Gty. Bank Bldg.
Dr. John V. Cockrell
VA Center
Marvin A. Cohen
Box 427
Curtis E. Coker
Box 1084
James E. Cole
120 Springfield Ave.
William F. Coleman
431 Tombigbee
Aline J. Collum
416 Plaza Bldg.
M. E. Collum, Jr.
Box 291
James O. Conner
Box 504
A. S. Coody
776 North West St.
Henry D. Cook
1216 Raymond Rd.
Robert F. Cooper
Box 1450
John R. Countiss, III
Suite 200, Petroleum Bldg.
Hansell A. Courtney
709 Dep. Gty. Bank Bldg.
Bobby Louis Covington
Box 896
Frederick G. Cox, Jr.
Box 1363
Judge William Harold Cox
Box 921
William Harold Cox, Jr.
Suite 1741, Dep. Gty. Bank Bldg.
John A. Craig
Box 651
Rufus Creekmore
822-25 Plaza Bldg.
Wade H. Creekmore
Public Service Commission
1105 Woolfolk
Thomas R. Crews
Box 977
Alfred N. Crisler
431 Tombigbee Court Square
South Bldg.
Bert Crisler
813 Dep. Gty. Bank Bldg.
Charles W. Crisler, Jr.
431 Tombigbee Court Square
South Bldg.
Thomas W. Crockett, Jr.
Box 961
Earl R. Cruthirds
Box 1947
E. Hugh Cunningham
Box 1593
Joe H. Daniel
Box 1004
R. A. Darden
644 Choctaw Road
Thomas Edwin Davidson
Box 663
James L. Davis, Jr.
308 First Federal Savings & Loan
Joe Sanford Deaton
4243 Meadowlane Dr.
R. R. Dinsmore
4096 Redwing Ave.
J. Hubern Dodd
1173 Arbor Vista
James K. Dossett
Box 9825
Colbert Dudley
1125 Grand Ave.
Vardaman S. Dunn
Suite 1741, Dep. Gty. Bank Bldg.
P. H. Eagers, Jr.
Box 650
Al Durward Eatmon
147 Wildwood Circle
Barney Edward Eaton, III
Box 807
Lynel C. Echols
709 Dep. Gty. Bank Bldg.
Henry Edmonds
Box 481
Allan T. Edwards
707 Plaza Bldg.
E. Ray Edwards
Box 427
Joseph B. Elliott
Box 945
Lura Clark Ethridge
720 North St.
Judge W. N. Ethridge, Jr.
Asso. Justice Supreme Court
New Capitol
Clyde V. Eubanks
Box 3251
William D. Evans
202½ W. Capitol
Jack H. Ewing
Box 1467
Foster C. Fant
Box 912
Bethel Ferguson
Mississippi Power & Light Co.
Robert E. Fleming
Box 2266
Grey Flowers
Box 2022
Henry G. Flowers
520 S. President St.
W. B. Fontaine
1623 Dep. Gty. Bank Bldg.
Aaron L. Ford
609 Plaza Bldg.
Victor J. Ford
303 N. Denver
John D. Fournet
Box 1031
John H. Fox, III
Box 1261
J. B. Franklin
Box 12
Lawrence C. Franklin
Box 444

Kenneth I. Franks
1012 First Nat'l Bank Bldg.
D. K. Galtney
3920 Oaklawn Dr.
Edythe Evelyn Gandy
State Treasurer
Box 138
Martha Gerald
Box 158
D. A. Gill
Box 2532
Judge R. G. Gillespie
Asso. Justice Supreme Court
New Capitol
Robert G. Gillespie, Jr.
Box 427
William F. Goodman
Box 650
Charles M. Gordon
1219 Dep. Gty. Bank Bldg.
Luther E. Gordon
1070 Buckley Dr.
W. E. Gore
Box 186
Weaver E. Gore, Jr.
Box 186
Robert Louis Goza, Jr.
Box 326
Robert S. Graham
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Brelon E. Grantham, Jr.
Box 1773
R. Gordon Grantham
Box 119
Charles L. Graves
106 Minerva
Elizabeth W. Grayson
Plaza Bldg.
Garner W. Green
Box 1666
Garner W. Green, Jr.
Box 1666
Joshua Green
Box 1666
John E. Gregg
936 First Nat'l Bank Bldg.
J. R. Griffin
Asst. Atty. General
Box 220
Bob Preston Griffith
2042 E. Meadowbrook Rd.
John M. Grower
Box 119
Judge Carl E. Guernsey
Room 215, Courthouse
Claude W. Guice
4313 Ridgewood Rd.
Charles C. Hairston
Box 1269
Doric Hakes
348 Sylvian Trail
Carsie Hall
538½ N. Farish St.
Judge Lee D. Hall
1839 Linden Place
George S. Hamilton
305 Dunbar
Lowell D. Hamilton
Box 899
Richard B. Hamilton
1957 Meadowbrook Rd.
Robert B. Hamilton
Box 444
W. Jeff Hamm
Box 4567
Samuel C. Hardage
735 Roseneath St.
Bobb Ray Hardin
614 Barnett Bldg.
James Elbert Hardin
4116 Council Circle
A. Y. Harper
Standard Life Bldg.
Charles E. Harper
1606 Lockwood Ave.
Matthew Harper
Asst. Atty. General
New Capitol
David A. Harris
Suite 1801, Dep. Gty. Bank Bldg.
William R. Harris
Box 1269
Newt P. Harrison
Box 119
Robert W. Hartford
Box 2103
Robert E. Hauberg
Box 2091
Ben Hawkins
Box 4714
Jay Homer Hedgepeth
Box 1467
T. H. Hedgepeth
Box 1467
Cecil F. Heidelberg, Jr.
1012 First Nat'l Bank Bldg.
Judge Leon F. Hendrick
Box 1473
Charles B. Henley
Box 326
Clinton G. Herring
1537 Dep. Gty. Bank Bldg.
Byron T. Hetrick
Box 1818
George P. Hewes, III
Box 119
William L. Higgs
707 N. Congress
J. T. Hill
Box 651
Clarence H. Holland
1605 Linden Place
Edwin R. Holmes, Jr.
Box 2091
Judge James G. Holmes
825 Gillespie
Hugh Sam Hopkins
Box 1145
Frank C. Horton
Box 1084
Judge W. T. Horton
1001 Monroe St.
Jones H. Hoskins
936 First Nat'l Bank Bldg.
James R. Houston
Box 945
Homer Lee Howie
161 E. Pearl St.
Joseph H. Howie
Box 724
Theodore G. Huffman
513 Launcelot Road
Arthur E. Huggins
218 S. President
Joe Jack Hurst
Box 158
Cecil E. Inman, Jr.
316 First Nat'l Bank Bldg.
Forrest B. Jackson
Box 124
Paul L. James
Box 1941
Edward O. Johnson, Jr.
1012 First Nat'l Bank Bldg.
Jane F. Johnson
Box 158
W. Roderick Johnson
Box 896
Bernard M. Jones
9611 Northside Station
Judge Robert Lee Jones
Asso. Justice Supreme Court
New Capitol
Shirley Norwood Jones
Box 1666
W. Roger Jones
Box 326
James E. Kemp
Box 651
Henry M. Kendall
Box 330
Thomas I. Kent
Box 9951, Northside Station
Earl Keyes
Box 1381
Frank C. Kimbrell
410 Lamar Life Bldg.
Robert W. King
202 Baptist Book Store Bldg.
S. R. King
425½ E. Capitol St.
James D. Kirby
Illinois Central Railroad
John M. Kuykendall, Jr.
Box 961
Judge John W. Kyle
Asso. Justice Supreme Court, New Capitol

Boyd E. Kynard
514 Robinhood Rd.
Ernest Edward Laird, Jr.
First Nat'l Bank Bldg.
Bonner R. Landman
Box 661
Ralph Landrum
1433 First Nat'l Bank Bldg.
Roger C. Landrum
Box 141
Dan M. Lee
Suite 200, Petroleum Bldg.
Judge Percy M. Lee, Sr.
Asso. Justice Supreme Court
New Capitol
Robert M. Lee
136 E. Griffith
Meyer A. Lewis, Jr.
1847 Dep. Gty. Bank Bldg.
H. Lee Lindsey
3960 Nassau St.
Hubert Lipscomb
Box 1115
W. Baldwin Lloyd
1819 Dep. Gty. Bank Bldg.
Carl F. Loerke
228 Sewanee Dr.
L. H. Long
1727 St. Ann St.
Fred J. Lotterhos, Jr.
Box 1084
Jack H. Lucas
Box 54
Warren V. Ludlam, Jr.
Box 427
G. Garland Lyell, Jr.
Box 220
Daniel E. Lynn
Box 381
B. F. Madole
227 Stirling St.
Otho Magee
1942 Wingfield Circle
Frank E. Magill
Box 1972
A. W. Magruder, Jr.
218 A & B Magruder Bldg.
515 Yazoo St.
Lauch Magruder, Jr.
First Nat'l Bank, Trust Dept.
Robert S. Major, Jr.
3949 Berkley Dr.
Thomas J. Mallette
579 Witsell Rd.
John P. Maloney
Box 330
Lee Mansell
Box 583
Roland D. Marble
Box 158
G. L. Martin
222 Duncan St.
Roy M. Matlock
417 E. Capitol St.
Walter Dent May
Box 42
B. B. McClendon
903 Dep Gty. Bank Bldg.
B. B. McClendon, Jr.
903 Dep. Gty. Bank Bldg.
George T. McClintock
414½ E. Capitol St.
A. B. McCraw
Suite 4, 413 S. President
Dan M. McCullen
Box 141
John L. McDavid
Box 326
Jack McDill
Box 2091
Judge Taylor H. McElroy
Supreme Court
New Capitol
Judge Harvey McGehee
Chief Justice of Supreme Court
New Capitol
Judge M. M. McGowan
Circuit Court
Miles Curtiss McKee
Box 995
Alex McKeigney
Box 1640
Curtis W. McKewen
1103 Alta Vista Blvd.
Dale H. McKibben
Box 9703
William E. McKinley
418 Yazoo St.
Martin R. McLendon
Asst. Atty. General
New Capitol
Fred P. McRae
745 Gardner St.
Rex McRaney
1139 Dep. Gty. Bank Bldg.
C. Eugene McRoberts, Jr.
4137 Comanche Dr.
George D. Meek
619 Mohawk Ave.
Harold Dewey Miller, Jr.
Box 141
Claude W. Milstead
4857 Windemere Terrace
Milton H. Mitchell
Box 158
E. W. Montgomery, II
Box 724
M. B. Montgomery
Box 1288
E. Don Moore
Box 10087 Northside Station
Judge Russell D. Moore, III
Box 807
William S. Moore
Suite 200, Petroleum Bldg.
Donald B. Morrison
Box 1467
Dan W. Morse
601 Plaza Bldg.
Samuel Virden Morse
846 N. President St.
W. E. Morse
602 Plaza Bldg.
Adrian E. Mullen
1746 Hillview Dr.
Donald E. Mullen
742 Eastview
Thomas Earl Mullen
Box 2026
George S. Neal
Box 945
William H. Neely
Box 78
William T. Neely
Box 17
Alice Nevels, Secretary
Mississippi State Bar
Box 1032
Hugo Newcomb
Box 959
James W. Newman, III
Suite 821, Plaza Bldg.
W. R. Newman, Jr.
Standard Life Bldg.
Robert G. Nichols, Jr.
Box 1526
Wayne L. Nix
416 Barnett Bldg.
George R. Nobles
Standard Life Bldg.
Paul N. Nunnery
Box 97
Bobby Gene O'Barr
Box 651
Junior O'Mara
Box 141
N. W. Overstreet, Jr.
Box 961
Harry D. Owen
Box 3499
Joe T. Patterson
Attorney General
New Capitol
W. R. Patterson
314 Barnett Bldg.
Mary Elizabeth Payne
Box 326
Thomas B. Payne
Box 1947
George Dudley Pierce
505 Avalon
Paul P. Pennick
1262 Petroleum Bldg.
Kenneth Giles Perry
Box 1172
Robert E. Perry
Box 961
M. J. Peterson
Box 4547

Rubel L. Phillips
Box 961
William Ray Phillips
417 Barnett Bldg.
Robert Boyd Pickens, Jr.
Box 896
W. W. Pierce
860 Milner Bldg.
M. A. Pilgrim
341 Segura Ave.
Bobby Wayne Pittman
332 Queen Isabella Lane
John R. Poole
417½ E. Capitol
Thomas W. Prewitt
Box 141
John H. Price, Jr.
1501-10 Dep. Gty. Bank Bldg.
Robert A. Pritchard
Box 1084
Ralph D. Pruett, Jr.
237 Maywood
John M. Putnam
522-24 Plaza Bldg.
L. Arnold Pyle
Box 427
Dixon Pyles
507½ E. Pearl
John Day Quarles, Jr.
3045 Oak Forest Drive
James E. Rankin
Box 326
Robert D. Ray
Box 1449
W. C. Reed, Jr.
701 Vincent Bldg.
Julius T. Reynolds, Jr.
Suite 1433, First Nat'l Bank Bldg.
John Silvey Rhodes
508 Medical Bldg.
Charles C. Richmond
Box 1269
Barron C. Ricketts
1615 Dep. Gty. Bank Bldg.
C. R. Ridgeway
Box 187
William B. Ridgeway
Box 187
Jack L. Ritter
714 Witsell Rd.
W. E. Robbins
Box 1831
Judge W. B. Roberds
4844 Windemere Terrace
Judge Stokes V. Robertson
Box 686
Sidney A. Robinson, Jr.
Box 920
Stuart Robinson
Mezzanine Suite, Plaza Bldg.
Judge Henry Lee Rodgers
Asso. Justice
New Capitol
Richard C. Rogers
Box 1653
Shelby R. Rogers
800 Plaza Bldg.
Fred A. Ross
Box 1669
Howard C. Ross, Jr.
Box 845
Abe A. Rotwein
1203 Dep. Gty. Bank Bldg.
Roderick S. Russ, Jr.
3726 Crane Blvd.
David L. Sadler
Box 9634, Northside Station
Clarence R. Scales
1107 Dep. Gty. Bank Bldg.
Jeanne Scales
1107 Dep. Gty. Bank Bldg.
Jewelle Scales
202½ W. Capitol
Pat H. Scanlon
Box 1172
Charlie Scott
First Fed. Sav. & Loan Bldg.
E. G. Scott
Box 1818
Tom B. Scott, Jr.
Box 1818
Clanton M. Seay
Box 1136
Dugas Shands
Asst. Atty. General
New Capitol
John A. Shanks
1919 Ventura Drive
George E. Shaw, Jr.
Century Bldg.
Dan H. Shell
Box 1172
Ernest L. Shelton
712 Plaza Bldg.
Leon Shelton
275 E. Pearl St.
N. R. Shoemaker
Box 1954
J. E. Skinner
839 Dep. Gty. Bank Bldg.
Bennett E. Smith
Box 1175
John T. Smith
1722 St. Mary St.
L. O. Smith, Jr.
1214 First Nat'l Bank Bldg.
Neal Smith
Box 1524
Stone M. Smith
Box 1729
Sydney A. Smith
1007 Dep. Gty. Bank Bldg.
W. C. Smith
Box 896
Lee R. Spence
Box 1200
Ernest O. Spencer, Jr.
1240 Petroleum Bldg.
James L. Spencer
523 Plaza Bldg.
R. L. Stainton
Box 4391
Percy Stanfield, Jr.
Suite 522, Plaza Bldg.
R. Horace Steele
Box 120
Jerome B. Steen
Box 1172
E. W. Stennett
412 Barnett Bldg.
Judge J. C. Stennett
Box 686
John H. Stennis
Box 427
Lowell F. Stephens
Box 1200
Francis B. Stevens
Box 141
Phineas Stevens
Box 141
Colin Leroy Stockdale
209 Barnett Bldg.
John E. Stone
4212 Brookdale
R. B. Stovall
603½ E. Fortification
E. Donald Strange
c/o U. S. District Attorney
Federal Bldg.
F. Kent Stribling
611 Barnett Bldg.
V. J. Stricker, Jr.
606-07 First Fed. Svgs. & Loan Bldg.
Lee A. Stricklin, Jr.
Box 1123
A. C. Stringer
3919 Azalea Drive
H. C. Stringer
Rt. 5, Box 61
Terry Rd.
Quentin Stringer
1807 Ridgeover Place
W. E. Suddath, Jr.
Box 650
A. W. Sullivan, Jr.
1618 Lockwood
C. Arthur Sullivan
Box 1381
John C. Sullivan
Box 1381
A. F. Summer
Box 587
Valentine Surgis
Box 17
Kenneth L. Swarthout, Jr.
522 Plaza Bldg.

Thomas N. Tann
Box 1505
Anthony A. Tattis
Box 235
O. B. Taylor
Box 896
O. B. Taylor, Jr.
Box 896
Rowan H. Taylor
Box 896
Swep S. Taylor, Jr.
Box 912
Scott Tennyson
1012 First Nat'l Bank Bldg.
Sidney R. Tharp
706½ N. Farish St.
Earl T. Thomas
Lamar Life Bldg.
Allen C. Thompson
City Hall
Fulton Thompson
Box 410
J. W. Thompson
209 Lamar Life Bldg.
Robert H. Thompson
Box 410
Bernard L. Tighe
416 Plaza Bldg.
Bowman Stirling Tighe
416 Plaza Bldg.
E. B. Todd
429 Tombigbee
Court Square
John Edward Tracy
Box 1156
R. C. Trainor
744 Oakwood, Apt. C.
Cecil F. Travis
Box 995
John A. Travis, Jr.
Box 807
Betty Bartee Tucker
507½ E. Pearl St.
Roger Lewis Tuttle
Box 229
Felix J. Underwood, Jr.
Box 648
Robert W. Upchurch
2623 Clinton Ave.
Zack J. Van Landingham
1111 Dep. Gty. Bank Bldg.
Harlon H. Varnado
Rt. 6, Box 295
William L. Waller
Box 1261
Ben H. Walley
1111 Dep. Gty. Bank Bldg.
O. B. Walton, Jr.
1600 Eastover Drive
Erwin Connell Ward
State Bank Comptroller
Woolfolk Bldg.
F. A. Ward
238 Texas Ave.
H. V. Watkins
Box 427
Thomas H. Watkins
Plaza Bldg.
J. Raiford Watson
Box 2472
Walker L. Watters
Box 158
Robert H. Weaver
Box 427
Calvin L. Wells
Box 158
Erskine W. Wells
Box 158
W. Calvin Wells, Jr.
Box 158
W. Calvin Wells, III
Box 158
Will S. Wells
418-19 Barnett Bldg.
John A. Welsch, Jr.
Box 119
Alonzo S. Westbrook
602 Barnett Bldg.
John M. Weston
Box 1818
John Harold White, Jr.
107 Electric Bldg.
Gene A. Wilkinson
Box 673
Frank T. Williams
Box 1172
Earl R. Wilson
1819 Dep. Gty. Bank Bldg.
James M. Wilson
Box 8487
George E. Winkler
414-15 Barnett Bldg.
Sherwood W. Wise
Box 157
George F. Woodliff
1012 First Nat'l Bank Bldg.
Thomas H. Woodrow
Box 1103
William G. Wright
The California Co.
Standard Life Bldg.
L. A. Wyatt
1040 Milner Bldg.
William Swan Yerger
919 Electric Bldg.
Jack H. Young
115½ N. Farish St.
James L. Young
Box 1224
J. Will Young
1309 Dep. Gty. Bank Bldg.

KOSCIUSKO

John Percy Allen
Box 550
William D. Brooks
105-07 S. Madison St.
Aaron S. Condon
Box 709
David E. Crawley, Jr.
Crawley Bldg.
William Reynolds Ford
Crawley Bldg.
D. H. Glass
Box 746
John D. Guyton
105-07 S. Madison St.
Chatwin M. Jackson, Jr.
Box 189
John Clark Love
Alton Massey
Box 189
Ray S. Mikell
Box 149
Clarence E. Morgan, Jr.
Box 348
G. J. Thornton
Morgan & Lindsey Bldg.
Harold W. Williams
517 Lucas St.
Claude Jackson Woodward
Doty Bldg.

LAMBERT

Walter E. Dreaden, Jr.
Box 215
Hoke Stone
Van D. Stone
James P. Walker

LAUREL

E. R. Alley
Box 106
J. L. Austin
Box 121
W. A. Beard, Jr.
First Nat'l Bank Bldg.
E. C. Bonney
Box 957
M. W. Boyd
Box 111
William S. Boyd, Jr.
Box 726
Harvey Breazeale
c/o Masonite Corporation
Ronald C. Brown
Box 171
James R. Buchanan
Box 165
Kenneth E. Bullock
Box 726
Lampkin Butts
Box 196
Ralph P. Campbell
Box 638
J. Edwin Campbell
Box 584
B. F. Carter
Norman Bldg.
Judge Lunsford Casey
Courthouse
John Shannon Clark
Box 2008, Choctaw
Station
Elson K. Collins
Box 732

F. B. Collins
Box 31
Jeff Collins
Norman Bldg.
Edwin Phillips Connolly
Box 527
William M. Deavours
Box 106
Wilmer O. Dillard
First Nat'l Bank Bldg.
Grover C. Doggette
Box 922
Herbert H. Dyke
11 Country Club Drive
C. C. Evans
Highway 84 E.
Carroll Gartin
Box 713
C. Denton Gibbs, Jr.
Box 2008, Choctaw Station
Stewart J. Gilchrist
Suite 301, Wallace Bldg.
Ernest W. Graves
Box 2008, Choctaw Station
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T. J. Tubb
18 Court St.

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County Court

ANNISTON, ALABAMA

John G. Tyler
2017 Lynn Rd.

BIRMINGHAM, ALABAMA

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8237 10th Ave. S.
L. K. Clapper
5225 7th Ave. S.
John B. Hough
Rt. 2, Box 468
B. Nowlin Keener, Jr.
1603 Roseland Drive
George F. Maynard III
First Nat'l Bank Bldg.
John Carl Schmarkey
126 Lorena Lane, Mt. Brook
A. G. Shelton
Box 511
R. B. Thompson
2101 2nd Ave. N.
Collis M. Thornell
121 Dixon Ave.

DECATUR, ALABAMA

Kennon R. Smith
Box 575

EUFAULA, ALABAMA

Richard L. Watson
College Hill Apts.

MOBILE, ALABAMA

Bemis O. Bailey
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Box 1095
Melvin W. Dovith
c/o Corps of Engineers,
Box 1169
G. H. Howard
Box 1376
Y. D. Lott
Drawer 881
J. N. Odgen
104 St. Francis St.

PRICHARD, ALABAMA

Joseph L. Carballo
1104 Railroad St.

TUSCALOOSA, ALABAMA

Walter W. Flowers, Jr.
Box 492

ANCHORAGE, ALASKA

Robert K. Yandell
105 Tunragain Arms

TUSCON, ARIZONA

James J. Lenior
Univ. of Arizona
College of Law
Ernest C. Phillips, Jr.
2717 North Mountain View
J. K. Riley
Rt. 2, Box 705 C
Eagle Feather Rd.

FAYETTEVILLE, ARKANSAS

R. V. Laverty
Box 51
University Station

HELENA, ARKANSAS

Edward Grauman
326 Phillips St.

LOS ANGELES, CALIFORNIA

James E. Erickson
Suite 200, S. Virgil St.
Boyd H. Reynolds
Suite 214, Douglas Bldg.
257 S. Spring St.
Frederick F. Straus
840 S. Kenmore

PASADENA, CALIFORNIA

Sheldon L. Foreman
1475 Washburn Rd.

SAN FRANCISCO, CALIFORNIA

S. M. Alford
1218 Carolina
Thomas J. Campbell
Box 2475
Lt. Col. Chester D. Gaston
Hq. Fifth Air Force (PACAF)
APO 925
Maj. Thurman H. Hillman
Olsarma, U. S. Embassy
APO 143, Box 31
William J. Lawler
Suite 112, 835 Clay St.
Lt. Richard J. Lee
Hq. 6108th Air Base Wing
APO 323, Box 416
1st Lt. Donald B. Samuels
AO 3060739, Box 324
Hq. 41st Air Div. APO 994
2nd Lt. J. B. Snowden III
Division Legal Office Hq. Bn.
3rd Marine Division, FPO
Du Val Stoaks, USOM
c/o U. S. Embassy
APO 146
Capt. Charles E. Whitten
101-C Third St.
APO 953

TRAVIS AFB, CALIFORNIA

Capt. T. G. Roberts
Box 5377, WESTAF

COLORADO SPRINGS, COLORADO

Robert A. McKee
1307 E. Buena Ventura
Rowan T. Thomas
303 Burns Bldg.

DENVER, COLORADO

Mrs. Rosalind D. Sanders
1270 Dexter St.
Alvin L. Smith, Jr.
1086 Corona, Apt. 35

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Myres Smith McDougal
401-A Yale Station

WEST HARTFORD, CONNECTICUT

Nathan Levy, Jr.
32 Lockwood Terrace

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Edward L. Womack
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CORAL GABLES, FLORIDA

S. W. Fuller
1325 Castile

CRESTVIEW, FLORIDA

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Rt. 1, Box 382

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John R. Farrell
Univ. of Florida
College of Law
Ernest M. Jones
418 N.W. 29th St.

JACKSONVILLE, FLORIDA

Wirt Adams Beard
Box 2909
Cdr. E. L. McDonald, USN
Legal Office
Naval Air Technical Train Unit
James P. O'Flarity
6517 New Castle Rd.

PALM BEACH, FLORIDA

A. Obie Stewart
First Nat'l Bank Bldg.

RIVERVIEW, FLORIDA

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Box 446
Maxine B. Crain
Box 446

ST. PETERSBURG, FLORIDA

Margaret E. Fisher
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Box 588

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Edward J. Assad
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VALDOSTA, GEORGIA

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1800 Knollwood Rd.

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700 Florida St.
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234 Loyola Ave.
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Terminal Command
Abner E. Hughes
535 Gravier St.
Harvey Hutchins
Suite 2-A, Fontainebleau Motel
4000 Tulane Ave.
J. W. Kelly, Jr.
Box 252
Carl D. Mullican, Jr.
Middle South Area Office
211 International Trade Mart
Emile Cutrer Ott
17-A Fontainebleau Drive
Franklin D. Polk
Land Dept., Shell Oil Corp.
Shell Bldg.
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J. P. Leigh
625 N. Main

DALLAS, TEXAS

Joe B. Chandler, Jr.
4132 Purdue St.
Prof. Jan P. Charmatz
S.M.U. School of Law
W. F. Selph, Jr.
Box 2819
Walter F. Shows
Sun Oil Co., Legal Dept.
Box 2880

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Hq. Fourth U.S. Army

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2306 Chantilly Lane
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5634 Sylmar
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Johnston S. Rowe
Box 3109

PERRYTON, TEXAS

Edward L. Adkinson
Box 128

RANDOLPH AFB, TEXAS

Capt. Paul V. Dixon
Box 697

SAN ANTONIO, TEXAS

Thomas H. Scruggs
Box 421
Maj. Lester E. Wilkes, USAF
4807 Chedder Drive

ALEXANDRIA, VIRGINIA

Charles A. Evans, Jr.
3428 Martha Custis Drive
Herbert D. Taylor
2313 Valley Drive

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Percy K. Alford
1511 N. McKinley Rd.
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5209 6th Place S.
Burns M. Deavours
4990 Columbia Pike, Apt. 115
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Lt. Col. Jean S. Wilson
1101 S. Quincy St., Apt. 302
Lura M. Womack
1510 N. Ivanhoe St.
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3000 Spout Run Parkway, Apt. B-401

CHARLOTTESVILLE, VIRGINIA

Fred N. Colmer
Box 217
Capt. Alton H. Harvey
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FAIRFAX, VIRGINIA

Francis M. Harris
308 Spring Lake Terrace

FALLS CHURCH, VIRGINIA

Terry J. Dalton
517 Shadeland Drive
John H. Gordon
208 E. Columbia St.
John T. Houk, Jr.
6709 Jo Allen Drive
James M. Menger, Jr.
2520 Holmes Run Drive

HERNDON, VIRGINIA

James J. Cross, Jr.
Box 2

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Maj. Samuel T. Lloyd, Jr.
7439 Axton St.

RICHMOND, VIRGINIA

William L. Birdsong
2004 Lakeview Drive
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206 Woodlawn

SPRINGFIELD, VIRGINIA

Lt. Col. Jake L. Abraham
7204 Reservoir Rd.

SEATTLE, WASHINGTON

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Office of Chief of Engineers
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2500 Wisconsin Ave., N.W., Apt. 814
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Felix A. Bello Grafal
Box 7563
Marcos Feliciano Grespo
Office of Legal Services
Dept. of the Treasury
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Box 775
Jorge Luis Ortiz Vera
Box 691

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